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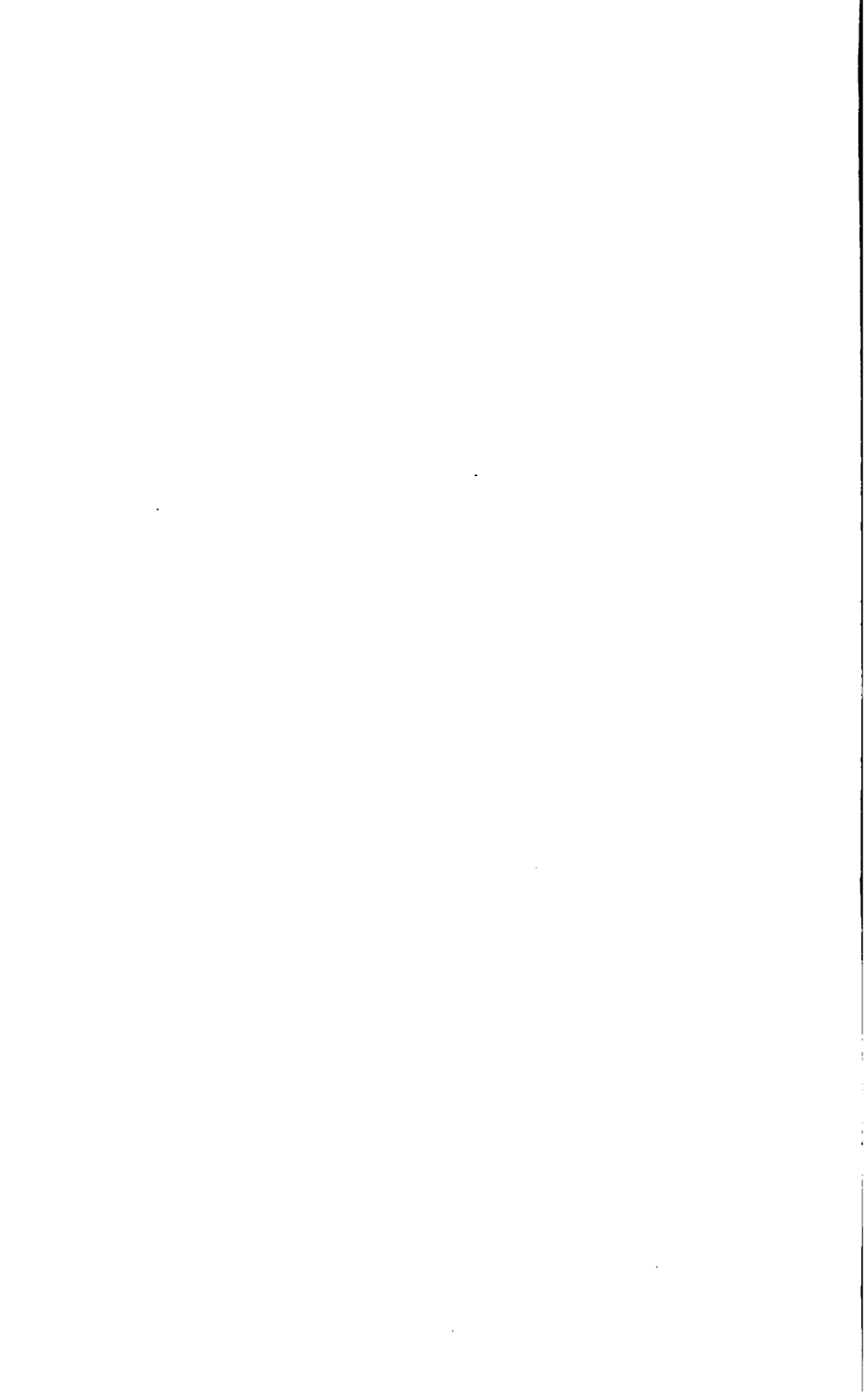
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# ENGLAND

IN

1841/2

BEING

A SERIES OF LETTERS WRITTEN TO  
FRIENDS IN GERMANY,

DURING A

RESIDENCE IN LONDON AND EXCURSIONS  
INTO THE PROVINCES:

BY

FREDERICK VON RAUMER,

PROFESSOR OF HISTORY AT THE UNIVERSITY OF BERLIN, AUTHOR OF THE  
'HISTORY OF THE HOHENSTAUFEN,' OF THE 'HISTORY OF EUROPE  
FROM THE END OF THE FIFTEENTH CENTURY,' OF 'ILLUSTRATIONS  
OF THE HISTORY OF THE SIXTEENTH AND SEVENTEENTH CENTURIES,' OF 'ENGLAND IN 1835,'  
ETC. ETC.

5

TRANSLATED FROM THE GERMAN

By H. EVANS LLOYD.

TWO VOLS.

VOLUME THE FIRST.

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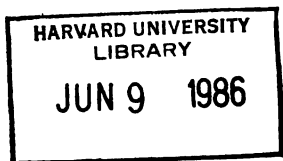
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## THE AUTHOR'S PREFACE.

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A NEW edition of the work, "England in 1835," being required, the author was induced to visit Great Britain in 1841, for the third time. He took this opportunity of adding to the new edition, the volumes now offered to the Public, which relate to the further development of many important subjects from 1835 to 1841. Though this new work is chiefly intended for German readers, he hopes that it will be likewise welcome to the possessors of the preceding volumes in England.

The Appendix, containing extracts from letters to his friends, will, he trusts, be received with indulgence. With respect to these extracts, he begs leave to observe, that he long hesitated whether he should publish any part of them, or confine himself entirely to the letters treating upon the great questions which he chiefly had in view; some critics have censured all these lighter matters, as unne-

cessary and tiresome : while many readers, whom he is happy to reckon among his friends, affirm, that they prefer these familiar letters, to long, dry essays, and statistical tables. He has endeavoured to satisfy both parties, by printing the political and statistical letters by themselves, reserving for the Appendix the extracts from the other letters, written in 1836 and 1841 ; from which, however, he has struck out every thing relating to himself personally, as well as the continual expressions of gratitude for services and kindnesses which he received from so many quarters\*.

\* The author cannot, however, deny himself the gratification of acknowledging, in the name of himself and his countrymen who have visited England, the unvarying kindness and courtesy of B. Hebel, Esq. the Consul General of Prussia, who is always ready to afford his valuable counsel and assistance when and where they may be required : and invaluable as these courtesies are in themselves, they are yet further enhanced by the cordial and sincere manner in which they are bestowed, and therefore cannot fail to be highly appreciated by every one who receives them.

## TRANSLATOR'S PREFACE.

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THE Author's Preface having sufficiently explained the origin and intention of the following continuation of his Letters on England in 1835, which were so favourably received by the English public, the translator will merely observe, that though it was impracticable, and hardly necessary for him to consult the very numerous works quoted, or alluded to by the Author, he has, however, in some instances, where the Author gives long, continuous extracts, taken care to quote them in the original English. Such are the Bishop of Llandaff's letters to Sir Robert Peel; the Rev. Sidney Smith, on the Ballot; Sir Robert Peel's Address on the Opening of the Literary Institution at Tamworth; the Remarks of the British Critic on that Address; and Mr. Lewis's Work on the Disturbances in Ireland.

London, Feb. 1, 1842.



## ENGLAND IN 1841.

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### LETTER I.

The Queen—Prince Albert.

*London, July 10, 1841.*

AFTER an absence of five years, I have been enabled to pay a third lengthened visit to England, and again carefully to investigate, to the utmost of my ability, its manners and public institutions. Were I to compress within a few words the total result of my observations, I must express myself in a very different manner from the publications and journals of the several parties in England; according to which, we should believe that England is either fanatically averse from every departure from long-established customs, or animated by a restless desire for incessant and rash innovations. While it cannot be denied, that many countries and people almost exclusively embrace and pursue the one or the other of these partial views and tendencies, the calm observer, who stands beyond the influence of party



spirit, sees that there is in England an immense solidity of the existing institutions, combined with immeasurable progressive energy. Hence arises the true equipoise of the life and the powers of individuals as of nations ; and I shall have occasion to prove the truth of this eulogium, as manifested in several striking facts, with special reference to the last five years. Entertaining this conviction, I would ask, has not the one or the other of these tendencies of the efforts of the government and the people sometimes gone too far ? has not the one checked improvement, or the other been too precipitate in desiring to effect it ? Such exceptions do not abrogate the rule ; such doubts are proof of the impartiality of the reporter.

My observations commence in the highest quarter. In place of an aged King, I found a youthful Queen. "A retrograde movement!" would some exclaim—"A woman instead of a man, and inexperience in the place of wisdom!" But, may we not answer, that female sovereigns, in proportion to their numbers, make as distinguished a figure in the pages of history as kings ; and where is the King of England whom we may compare to the great Elizabeth ?

Queen Victoria was fortunate to find, in Lord Melbourne, a paternal friend, who, far from seeking,

with short-sighted presumption, to give her a dislike for public business, endeavoured rather to habituate and attach her to it. Accordingly, the reproach that the Queen was inexperienced and indifferent was soon changed into the opposite extreme; and it was loudly affirmed, that she took too decided a part, and that her firmness of character degenerated into unconstitutional self-will. I am the less disposed to join in these reproaches, because they are connected with general views of the royal authority which strike me as erroneous. Many adherents of the modern political doctrines desire entirely to set aside the personal character of kings: they imagine that the less knowledge and individual will, thought, and feeling, the less decision of character, a monarch possesses, the better is he qualified to fill the place of a symbol at present indispensable. As Diogenes presented the cock stripped of his feathers as the representative of a perfect man, so do they present a king, stripped of all kingly qualities, as their ideal of royalty! Wherefore assign this royal office to a man, if, in fact, all he has to do is passively to nod assent to whatever a majority requires?

In this instance, as is so often the case, opposite extremes approximate more closely than might be imagined. Certain leaders of a very different school, who consider the deaf, the dumb, and the

blind, as qualified for the exercise of royalty, second, under a thin veil, the views of their opponents.

It has been affirmed, especially with reference to the kings of the House of Hanover, that a sovereign of moderate capacity is the best for England. Undoubtedly it might have been difficult for men of such strongly marked character as Frederick the Second and Napoleon to confine themselves to the course prescribed by the British Constitution. But, then, have not kings of very inferior minds, such as James the First, Charles the Second, and James the Second, acted on their own narrow prejudices ; while Elizabeth never disagreed with her Parliament, and William the Third combated with admirable perseverance for the liberty of England and of Europe.

In a kingdom, where every one claims, as an inviolable right, the liberty of maintaining his political and religious opinions, where the most decided extremes exist together, and each party endeavours to assert its own views, how can it be required that the Queen alone should have no opinion, no thoughts, no feelings of her own ? Lord Melbourne has always justly maintained that a Queen of England must govern with the party at any time predominant in the nation ; but it does not follow that she is never to judge of principles, conduct, and objects,—never to throw her own conviction into the scale. Queen Victoria

has, in no instance, violated the Constitution, to follow her own ambition. She was silent when her consort (certainly with the observance of the legal forms) was refused what was immediately afterwards granted him : it was only when demands were made of her, without sufficient reason, which the meanest of her subjects would not have tolerated, that she manifested becoming spirit and feeling, and proved that she knew how to assert her own liberty. The Tory leaders may understand every thing better than the other party ; but they did not then understand how to treat a young and high-minded Queen.

In Prince Albert she has found a consort worthy of her : his position as a foreigner, as the husband of a reigning queen, was in itself difficult ; and persons were not wanting who endeavoured to make it still more so. By discretion, combined with good understanding, he has daily overcome opposition, and gained applause. This is proved by his having been unanimously appointed eventual guardian of the young Princess. His position will, every year, become more firm ; and in the Royal Pair and their children the British Empire has secured, for a long time to come, what many other nations are destitute of, or despise.

## LETTER II.

Lord Palmerston—Difference between France and England.

*London, July 11, 1841.*

I DO not know, in the history of the world, a more noble destiny than that to which England is called, which she has already accomplished, or will infallibly accomplish in due time. The great projects of Alexander fell to the ground at his premature death ; Rome established her power by the sword alone, and the destruction of other nations, and she perished in the sequel by her own fault, of a long-protracted disease. Mahometanism, in relation to Christianity, was a deplorable retrogression, and the Empire of Napoleon only a meteor of arrogant tyranny. The Papal dominion of the middle ages had an eternal value for the education of the human race ; but it extended, at that time, only to Europe, and fell into numerous errors. The errors, however, are not the essence ; and this essence will survive all the trials of political mountebanks.

England is the first empire, which embraces the whole earth, every nation ; yet the chief weight and the chief value are not in the extent of its dominion,

but in the highest activity, united with progress in the sciences, and the most laudable solicitude for the spread of religion. England is the intellectual eye which turns to every quarter, penetrates through every zone, and prepares an exalted future destiny for the human race. Before this noble, comprehensive, glorious destination, the low and violent disputes of domestic parties lose all their importance, or are but shadows that relieve the higher lights.

There never was, in the history of the world, a mass of business at all comparable to what the ministers of Foreign Affairs and of Colonies have now to attend to; and a full account of their proceedings during the last five years only, could not be given without great preparatory study and investigation. An acquaintance with the general outlines of their sphere of action, the more easily leads to partial opinions, as most of the public journals do their utmost to lead to such a result. Even success, which most men consider as a sufficient ground for decision, cannot produce dispassionate and unanimous judgments, when totally different objects are proposed and desired: for instance, the protection or expulsion of Don Carlos, the increase or the restriction of the powers of Mehemet Ali, &c. What conflicting and acrimonious reproaches have been made on these subjects against Lord Palmerston! What a mass of

the most singular and contradictory demands have been made on him, and what numberless obstacles have been thrown in his way, both by friends and enemies! Whatever opinion may be entertained of the course and tendency of his policy, nobody can deny that he succeeded; and the late period is one of the most glorious in English history. In Spain, Portugal, Naples, Syria, Egypt, Persia, India, and China\*, the will of England has been carried, at least for the moment, carried for a thousand reasons, and with very diverse and immense means; but history will one day confirm, that, without Lord Palmerston's restless activity, strength of mind, and energy of character, this triumphant success would probably never have been accomplished. He is very far, however, from ascribing, with petty vanity, this success to himself alone. On the contrary, in reply to an attack made by Sir William Molesworth on the Colonial Minister, he very justly observed, "According to the constitution of this country, the government is not an accumulation of independent spheres of action; but all important measures in each department are submitted to the whole Cabinet; and all are answerable for the great outlines of the measures that are adopted, though the execution of

\* If China appears to be an exception, I would say—wait till you see the end!

each is left to the head of the respective departments." In whatever manner the glory and honour for the success of so many enterprises may be distributed, and whatever blame may be interwoven in the wreaths of victory, one encomium, and it is the highest, is due to Lord Palmerston—"He is a MAN, and that is enough."

Lord Palmerston, they say, is fortunate. Very true; but fortune generally accompanies energy and resolution. It was certainly an unexpected, an inconceivable piece of good fortune, that the turbid stream of time brought to the surface, and opposed to Lord Palmerston, a person who may be any thing in the world, but certainly not a MAN in the exalted sense of the great poet. Never was a man so completely defeated in a diplomatic or rather political combat, so driven from all his positions, as M. Thiers by Lord Palmerston. The mountebank challenge of the French minister did not move the English minister from his dignified attitude, which is necessarily combined with great penetration and noble principles. While M. Thiers endeavoured to dazzle the French nation by fireworks, in defiance of facts, of principles, and treaties, in proclaiming the fanciful caprices of every day and of every fool, as questions of the highest concern to humanity, the English nation assumed an attitude so lofty and dignified, that



M. Thiers could not comprehend it, and had rather expected an opposite effect from his rhodomontades. The Duke of Wellington's observation, "It is my duty to uphold all treaties, even though I did not originally approve of them," is a conclusive axiom, in direct opposition to those principles which some Frenchmen would bring into vogue, in order clandestinely to introduce, under their cover, their own arbitrary will, and conceal their own insignificance. We may foresee, or at least hope, that this evil after-birth of the Revolution in France will soon be dead and buried.

Even the Times and the Quarterly Review, otherwise the violent opponents of Lord Palmerston, much to their credit, defended him against unjust attacks in and out of England. Thus the latter, in reference to Mr. Urquhart and his partisans, says, "by exaggerated assertions, perversion of facts, and a general confusion of thought and expressions, they have almost forced upon us the conviction, that Russia is the most innocent and harmless of all states, and Lord Palmerston the most judicious and patriotic of all ministers;" and, in another place, the Review says, "the only blame that can be thrown upon the confederates (with respect to France) is, in fact, the constant humility with which they endeavoured to satisfy the caprices of one

who was resolved, from the very first, not to be satisfied\*."

Nothing can be more erroneous than, on account of the resemblance of some subordinate points, to overlook the great difference between England and France. There we find the greatest predilection for self-government ; here for centralization : there for specialties ; here for generalities ; there for aristocratic gradations of all kinds ; here for equality : there for the rights of primogeniture : here for an equal division of property : there, in the elections, the preponderance of landed property ; here of money : there activity in all the cities and towns by meetings, associations, public dinners, speeches, parliaments in miniature ; here the supremacy of the capital : there very few civil offices ; here an extraordinary number : there improvements by agreement and reciprocal concessions ; here by *coups d'état*, &c. &c.

In reference to this state of things, an English author† says, "An unlimited centralization, such as we see in France (where no road, path, bridge, canal, harbour, and the like, can be made or repaired without application to the capital and the approbation of the government), is a system so destructive of the

\* Quarterly Review, cxxxiii, 259, 288.

† Sandley on Discretionary Power, p. 39.

## 12 DIFFERENCE BETWEEN FRANCE AND ENGLAND.

internal prosperity of a nation, that it is scarcely possible to imagine a worse. It destroys all local energy and talent, deters from new and useful enterprises, converts men into machines, considers their minds as so many blank leaves, and makes a rich and fertile province dependent upon a distant and ignorant minister."

### LETTER III.

Parliamentary Reform—Qualification—Exclusion of the Bishops—  
Privileges of Parliament—the Ballot—Annual Parliaments—the  
Elective Franchise.

*London, July 12, 1841.*

In my former letters upon England, I endeavoured to explain the motives and the substance of the parliamentary reform. Experience has since corrected many prejudices and allayed many passions; some over-zealous advocates of the measure have become convinced that a change in the form of political rights can work no miracles, nor remove all the sufferings of humanity; while the most violent opponents confess that their apprehensions were in a great measure unfounded, and that many a loss has been more than compensated by other means.

Though all proposals, which have been made since the Reform Bill, for further changes in the constitution, have been rejected, they deserve however a more particular notice.

I. A motion of Mr. Ewart's\*, to subject landed property to the same laws as other property, was that which met with the least support. This would have led to the abolition of all the rights of primogeniture,

\* Hansard, xxxvi, 734.

## 14 PARLIAMENTARY REFORM. QUALIFICATION.

which are so necessary a part of the English constitution, and so interwoven with the general feeling of the people, that even those who do not enjoy these rights, prefer the English law of inheritance to the French and German, and, in fact, changes of the laws in England have scarcely ever proceeded from general, abstract considerations and doctrines.

II. There appeared to be more in favour of the proposal, not to require in future, as heretofore, that every member of the House of Commons shall possess a certain amount of landed property. Messrs. Molesworth, Leader, Ewart, Hume, and others, supported this motion by the following arguments\*. In Scotland, no proof of property is required; and in England, only since the time of Queen Anne; and is no proof of either moral or intellectual excellence; nay, these qualities are often impaired by riches, and the poorest man takes as much interest in good laws and good government, and is as much interested in them, as the richest. Those who are excluded, are injured without sufficient reason, and have more inclination and leisure to attend to public business than the rich, who rather look to their own affairs. It is notorious that the sons of peers, who often possess no property, are admitted into the

House of Commons without proving their qualification, and that many other members of the House, notwithstanding what the law requires, possess no landed property. 'They must either help themselves with pretexts and unfounded statements, or, if they are more conscientious, fall into the class of the excluded. 'To these arguments it was replied, if no proof of property is demanded of the elected, soon there will be none required of the electors, and in the House of Commons persons will legislate upon property who do not possess any.

As it was evident that the existing law was daily evaded, and had been passed in the reign of Queen Anne only to increase the influence of the landowners, Lord John Russel proposed to convert the illegal practice into a legal one, by enacting that every species of property, and not merely landed property, might be admitted as a qualification. As the first proposal, however, was intended much rather to remove all claims founded on property, than to extend them, Sir William Molesworth refused this compromise; his motion was hereupon rejected by a majority of 133 to 104; and it was not till the 27th of July 1838, that a law was passed, that every member for a county should possess an annual income of £600, and a member for a city or borough £300, derived from land or other property.

III. A third proposal, made by Mr. Lushington (supported by Ewart, Bulwer, &c.), was entirely to exclude the Bishops from the Upper House, because this privilege was incompatible with their other duties, and because their voices and votes were in general contrary to the wishes and wants of the country.

Lord John Russel was the first to defend the Bishops\*; he observed that so important a point in the Constitution must not be altered without the most weighty reasons, nor men excluded who represented so great an amount of property. Political and spiritual duties were in England connected in various ways, and might be performed without any detriment worth notice to the one or the other. Sir Robert Peel assented to these arguments, and commended Lord John Russel for his defence of the Bishops, though they had often voted against his motions. Mr. Lushington's motion was rejected by a majority of 197 to 92.

The arguments for and against such a change were certainly more completely developed in the 17th century†; and, with a reference to long experience, it was hardly to be denied that the latter still have the preponderance in England. Nay, it might be much easier to prove that the interests of the church

\* Hansard, xxxvii, 619—1837.

† Raumer Geschichte von Europa, vol. v. p. 30.

are too insufficiently, rather than too powerfully, represented.

Proposals for the entire abolition or an essential reform of the whole of the Upper House have not been made of late years, because the great majority of the English are convinced of its necessity and usefulness, as well as of the weakness and superficialness of all the plans for improving it.

IV. Important questions on the extent and the limits of the privileges of Parliament were discussed on occasion of an action by Stockdale against Hansard. Stockdale affirmed that something which Hansard had printed by order of Parliament contained calumnies upon him, and was to be considered as a libel.

While the action was pending, Lord Denman, Chief Justice of the Queen's Bench, said, "I know of no body whatever in this country which can authorize any one of its servants to print libels." When the matter came to be discussed in Parliament, the leading members of both parties, and the majority of the House of Commons, declared that no action was allowable in this case. Nay, on the 14th of April 1840, a law was passed that no civil or criminal action could be instituted on account of the printing of papers and documents, as soon as it was proved that it had been done by command of Parliament. Not-



withstanding this decision, the important question remains, when and how a person really calumniated in this manner is to look for and find redress. He is not to bring an action against the printer, nor against the whole House, nor against individual members, nor against the Speaker. A law-suit, a punishment of the offender, was therefore out of the question ; and redress was chiefly to be found in the public refutations and an extra-judicial proof of innocence. On this subject one author\* says—" the omnipotence of Parliament has become such a favourite principle, that men quietly allow tyranny of the worst kind to be introduced under the vague pretext of remedying abuses and introducing improvements."

I cannot enter in any way into the legal principles which were brought forward in that process, since even Sir Robert Peel was reproached with not understanding the substance of it. These, however, are certainly of less importance than the general and infinitely more weighty questions,—how far is the administration of justice, are the judges and jury, independent of Parliament ? and how far, on the other hand, is the Parliament subject to the decision of the judge and tribunals. The courts of justice, said Sir John Campbell, the Attorney-General, are subordinate to the Houses of Parliament, and are therefore

\* Quarterly Review, cxxi, 205.

not authorized to decide a question on the privileges of Parliament\*. To this it was replied, the Lower House does not possess the entire legislative authority, nor can every thing be claimed as parliamentary privilege, and the administration of justice be thereby defeated.

The times of Charles I shew us instances of fatal exaggerations and errors of both kinds. Parliamentary legislators giving undue preponderance to considerations of alleged public rights, overthrew private rights and private property ; and, on the other hand, judges, on the ground of partial private right, rejected every political improvement, and pronounced in favour of the tyranny of existing institutions. If all private right is placed in the application of a dead letter to individual relations, if public right is considered as the arbitrary result of a temporary all-powerful majority, we are involved in a two-fold error ; which, however, increases and becomes apparent so rapidly, that a correction founded on mutual understanding cannot be long delayed, without leading to the entire dissolution of social order.

V. Another motion, which has been brought forward more than once, and with increasing vehemence, is to introduce the ballot†, in the parliamentary

\* Report of the Case of Stockdale against Hansard, page 23.

† See Index, article Ballot.

elections. On the whole, the same arguments, *pro* and *con*, have been again and again brought forward, which I have already noticed in my preceding letters; yet it is instructive to hear how they have been further developed, and more decisively expressed.

At every new election for members of Parliament (said the advocates for the ballot, Messrs. Grote, Elphinstone, &c.), bribery, intimidation, and the undue influence of the wealthy and of landowners, increase\*. Many vote directly against their conviction, many do not vote at all, in order that they may offend neither party; and thus, instead of the vaunted freedom of election, we have, in truth, only constraint and deplorable slavery. In every other society, every social union, the ballot is introduced as the only certain means of maintaining perfect independence, and giving an opinion without molestation or embarrassment. The ballot would give the same security in parliamentary elections; it would put an end to bribery and intimidation.

Such, in substance, are the arguments of the advocates of the ballot. I proceed to state in a similar manner the main arguments against it. We must try every other means, said Mr. Poulter, to root out any existing evils before we have recourse to the ballot,—that temptation to lying and falsehood. The

† Hansard, xxxvii—1837; xc, 1131—1838; xcvi. 458—1839.

ballot, said Mr. Vernon Smith, exposes the poor to a two-fold superintendence and intimidation ; both which the rich easily avoid. It makes it impossible to distinguish friend from foes ; it suppresses the sincere expression of conscientious convictions, and hinders the development and establishment of the truth. We ought to abide, said Mr. Borthwick, by a system where every one must boldly come forward and do his duty in the sight of God and man. Public canvassing and public voting, said Lord Howick, increase the knowledge of things and persons ; inform the ignorant, and check the evil-disposed. The ballot, on the contrary, throws immense power into the hands of the returning officers, makes it impossible to express one's sentiments with manly courage, facilitates bribery, and substitutes moral cowardice for noble independence. In America, which is quoted as an example, there is no real freedom of voting ; and nobody has the courage to offer opposition to the ruling passions of the multitude. The ballot, said Mr. Milnes, puts an end to public life, at least among the middling classes ; instead of free development of ideas and feelings, secret intrigues come in, and the worst and most ignorant have equal importance and weight with the most noble and best-informed. A blind and thoughtless majority of electors, said Mr. Gaskell, would govern the country, and, contrary to the British fundamental institutions, govern without the

slightest responsibility. The ballot dissolves all bonds, all communion between the electors and the elected, sows mistrust and discord, under the pretext of promoting independence, forgets the salutary influence of man upon man, undermines the generous, free character of the people, opens a wide door to a far more general corruption, which could be neither discovered nor punished, and would have to be introduced into Parliament itself for equally bad reasons, and with equally bad consequences. "*Speciosa verbis, re inania aut subdola, quantoque majore libertatis imagine teguntur, tanto eruptura ad infensius servitium\**." But few persons, said Lord John Russel, vote through intimidation or against their conscience. But where conscience is wanting, the ballot avails nothing; and when the spirit of liberty disappears in a people, no mechanical contrivance can replace or restore it. The political degradation to which many a man perhaps exposes himself by open voting, is essentially different from the moral degradation which results from the ballot. Every thing in England is free, open, responsible; so should the election be. But, could we even prevent intimidation, to a certain degree, by the ballot, we should forfeit, on the other hand, truth, frankness, and character.

For these reasons, the proposal to introduce the

\* Taciti Annal. i, 81.

ballot was several times rejected in Parliament by great majorities. The otherwise hostile journals, the *Edinburgh and Quarterly Reviews*\*, both declared in favour of open voting as hitherto; they especially directed the attention of their readers to the fact, that this means would not lead to the proposed end; would not prevent bribery; and would afford no security that the elector, voting by ballot, would henceforth be actuated only by good and noble motives. It was also a vain hope that it would be kept secret how every one voted; a thousand occasions, opportunities, provocations, questions, signs, threats, flatteries, would bring it to light. But it would be still worse if this tribunal of the electors remained a secret one; if acquittal and condemnation were pronounced one knew not by whom or for what reason. Every elector in England is a representative of many; and therefore the 800,000 electors must publicly perform their office for 24 millions. In France, the ballot appears merely as an oligarchical measure of a few wealthy individuals; for 206 Frenchmen, there is but one elector; whereas, in England, there is an elector out of every 30 persons. In France, from one third to one half of the deputies are actually connected with the government. 'This is not the case in England, which keeps a happy

\* *Edinburgh Review*, lxxv, 2, 212. *Quarterly*, lxi, 507.

medium between the oligarchical tendency of France and the democratical of North America.

The pamphlets for and against the ballot, repeat on the whole the above-stated arguments ; only one by Sydney Smith is so peculiar both in its style and contents, that I extract some passages from it. " The loom and the steam engine are furiously political ; but the plough is not. Nineteen tenants out of twenty care nothing about their votes, and pull off opinions as easily to their landlords as they do their hats. A tenant, dismissed for a fair and just cause, endeavours to make himself a martyr with the public ; and no candidate is willing to allow that he has lost his election by his demerits. If shop-keepers lose Tory, they gain Whig, customers ; and it is not always the vote that does the mischief, but the low vulgar impertinence and the unbridled scurrility of a man who thinks that, by dividing to mankind their rations of butter and cheese, he has qualified himself for legislation ; and that he can hold the rod of empire, because he has wielded the yard of mensuration. But Brutus and buttermen, cheesemonger and Cato, do not harmonize well together. If a shopkeeper, after an election, sees one of his customers buying a pair of gloves on the opposite side of the way, he roars out that his honesty will make him a bankrupt, and the county papers are filled with letters from

Brutus, Publicola, Hampden, and Pym. I will not hide the best feelings of my heart, and lower myself down to your mean morals. It is as if a few cowards, fighting behind walls and houses, were to prevent a whole regiment from shewing a bold front to the enemy. Yet Mr. Grote, knowing all the histories of public courage, preaches cowardice and treachery to England, tells us that the bold cannot be free, and bids us seek for liberty by clothing ourselves in the mask of falsehood, and trampling on the cross of truth. The present method may produce a vicious act; but the ballot establishes a vicious habit; and then it is of some consequence that the law should not range itself on the side of vice. It is to the degraded liar only that the ballot-box will be useful: the man who performs what he promises needs no box."

The advocates of the ballot certainly express their conviction, according to the best of their knowledge and conscience; yet it seems beyond a doubt that this measure would not lead to the end proposed, but to greater evils. First, with respect to intimidation; it might become much more general in consequence of the ballot, and even on the ground of mere suspicion; whereas now, for instance, the purchaser at least waits for facts before he transfers his custom to another dealer. Besides, the influence of the well-



informed on the ignorant is not to be confounded with improper intimidation ; while the ceasing of such influence would, on the contrary, be a great loss.

When men, wavering in their opinions, are induced by a prospect of gain to decide in favour of one or the other party, this conduct cannot indeed be designated as unprincipled dereliction of well-founded convictions, or as open bribery ; yet this mode of exercising and submitting to influence is essentially different from the generous and salutary action alluded to above. The reciprocal accusations of both parties, of unscrupulous corruption, are certainly not without foundation, but as certainly exaggerated. If many may consider the whole business of election merely as a favourable opportunity to gain, and to improve their circumstances, as a kind of saturnalia for the less wealthy, yet, on the whole, the result of all the elections undoubtedly shews the real conviction of the electors. If, for instance, the Tories have employed more means of influence in the elections now pending, precisely because they had more at command, I am, however, convinced that the majority of the electors consider greater freedom of trade and the change in the corn laws to be detrimental and dangerous, and on that account have declared against the present ministry\*.

\* It is certainly to be lamented, when, as in the late elections, such

Whether this is a right view of the subject, whether it is that of the majority of the people, whether the present elective system is the best for arriving at the truth, are important questions which may be more properly discussed in another place.

A majority in Parliament obtained by bribery will certainly not withstand, at the long run, the public conviction: the means punish those who resort to them; they lose, in the sequel, money, respect, and influence.

Independently of all illegal measures, every parliamentary election has become so costly, through unavoidable expenses, that the above-mentioned proof of a qualification is, in comparison, utterly unimportant. In the actual state of things, every parliamentary election comprehends, at the same time, an *important monopoly* and an *oppressive tax* on the wealthy; and, fortunately or unfortunately, the object is attained by indirect means, which real or pretended statesmen often recommend on very different grounds.

VI. The arguments against annual Parliaments are so preponderating, that of late years the subject has scarcely been mentioned in the House of Com-

eminent statesmen as Lords Hewick and Morpeth are defeated, while so many necessarily less important persons are successful.

mons\*. The Government, too, when there have been sufficient reasons, has always proceeded to a dissolution, without waiting till the expiration of the legal term of seven years.

VII. The question of the extension of the elective franchise has been more seriously brought forward and discussed. In March 1839, Mr. Hume proposed† to give the franchise to every household<sup>er</sup>, and proved that it was by no means exercised by a number of persons in proportion to the population. He said

	Population.	Electors.	Proportion.
England has	13,876,000	737,000	as 1 to 17
Wales . . . .	864,000	43,000	„ 20
Scotland . . .	2,550,000	77,000	„ 32
<hr/>			
Total	17,290,000	858,000	as 1 to 20
Ireland . . .	8,396,000	98,000	„ 85
<hr/>			
Total	25,686,000	956,000	as 1 to 26

In small, less populous places, there are more electors than in large and populous towns. Thus, for instance, Tavistock has 4,958 inhabitants and 289 electors; the Tower Hamlets, 302,000 inhabitants and 13,189 electors. In Lisburn, 134 electors choose a member of Parliament; in Dublin,

\* See Index, Annual Parliaments. † Hausard, xlv, 1050.

7,113 electors choose two members. In five small English counties there are 51,000 inhabitants and 16,000 electors, who send ten members to Parliament; in five other counties there are 424,000 inhabitants, and 80,000 electors, who likewise send ten members. The reform bill retained or introduced fifty-eight different qualifications, conferring the elective franchise. Not to mention the ancient qualifications, every holder of a house in the towns, or a lodging of the clear annual value of ten pounds, has a vote. In the counties, those are entitled to vote who have a freehold of the value of forty shillings per annum, or an estate for life of the annual value of ten pounds, or holding an estate for sixty years of the same annual value, or leasehold for twenty years of the annual value of fifty pounds.

A complete view of the elective franchise would show extraordinary diversity in the titles conferring it, and prove that the legislators were not guided by any general principles. Thus, regard has been had in some cases to the population, while in others it has been wholly overlooked. Importance has been attached to direct taxation, while the more important indirect taxes have been disregarded.

Lord John Russel observed, that, "of adult males, there is,

In England, 1 elector in 5  
 „ Scotland, 1 „ 8  
 „ Ireland, 1 „ 20.”

By Mr. Hume's proposal, one person out of three would be an elector. This change appears to me hazardous in itself; it becomes still more so, because no certain limit, no grounds for stopping, can be found, and we should come at last to “universal suffrage.”

Mr. Hume's motion was rejected. In June 1839\*, Mr. Fleetwood made another similar proposal, viz. to give the elective franchise in the counties as well as in the towns to every holder of a house of the clear annual value of ten pounds. This motion was likewise rejected by a majority of 207 to 81; and it was again resolved to maintain the Reform Bill unaltered.

The following statistical data deserve to be given here†. There are, in England,

	Electors.	Members.
40 counties, with	344,000	for 144
185 towns, boroughs, &c.	274,000	„ 327
<hr/>		<hr/>
Total	618,000	471

\* Hansard, xlvii, 1342.

† M'Culloch's Statistical Account, vol. ii, 236.

	Electors.	Members.
Wales, 12 counties, with	25,000	for 15
14 boroughs, &c.	11,000	„ 14

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Total	36,000	29
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	Electors.	Members.
Scotland, 30 counties, with	33,000	for 30
76 boroughs, &c.	31,000	„ 23

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Total	64,000	53
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	Electors.	Members.
Ireland, 32 counties, with	60,000	for 64
34 boroughs, &c.	31,000	„ 41

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Total	91,000	105
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On the whole, 812,000 electors, of whom 1,235 choose a member of Parliament. There are, in the English counties, an elector out of 24 persons.

„ towns,	„	„	17	„
Scotch counties,	„	„	45	„
„ towns,	„	„	27	„
Irish counties,	„	„	115	„
„ towns,	„	„	22	„
Great Britain,	„	„	22	„
Ireland,	„	„	86	„

	Inhabitants.
In England there is one member for	27,000
„ Scotland „ „ „	44,000
„ Ireland „ „ „	73,000

If political rights ought to be graduated and distributed with mathematical precision, according to the amount of population, property, or taxes, neither England, before or since the Reform Bill, nor indeed any country in the world, ever had a constitution and adequate public law.

But how little this dead, arithmetical mode leads to the desired end, has been proved by the French constitutions, where the above elements have been employed either singly, or confusedly mingled together.

I close this letter without adding any further opinion on the theories and practice, as my only object was to state what questions relative to these subjects have been discussed in England during the last few years.

## LETTER IV.

English and French Systems—Constitution—Administration—Population, Agricultural Labourers—The Army.

*London, July 13, 1841.*

PROPOSALS and demands of a change in the constitution may proceed from theoretical grounds and practical evils ; both together appear to have concurred in the recommendation of annual parliaments, of the ballot, and of universal suffrage. The last proposal in particular is founded on the persuasion — that every individual in the state, on whom duties are imposed, may claim also political rights ; and that political wisdom increases with the number of persons entitled to them. To this, it may be answered, that neither the duties nor the rights of all can, or ought to be, equal in a state, and that with the increase in the number of persons exercising political rights, political folly has also increased. Forms, apparently similar, have, besides, often the most diverse results, and forms really different have led to similar results. Thus, the English House of Commons and the French Chamber of Deputies are both elected bodies, yet there is an extraordinary difference in their conduct, tendency, and mode of proceeding.



And again, the French system of election is founded on oligarchical monied interest; and, in comparison with it, the English system is extremely democratical; yet, the elected deputies in both countries have equally protected certain monopolies—for instance, the trade in corn, cattle, sugar, iron, &c.

True freedom, in the same and in different countries, by no means depends therefore on certain forms alone; and least of all is there a formal panacea for all social disorders. It is equally foolish, however, to reject at the same time political quackery and political medicine.

Many persons in England do not consider the above proposals as an object in themselves, but as means to attain certain objects which cannot well be obtained by the existing forms, or as means to do away with certain evils which the existing forms have unhappily protected. It is certainly necessary to have a knowledge of these real or supposed evils, before we can judge of the proposals in question, not merely in a theoretical view of their eligibility, but with a practical view of their necessity. Perhaps, after the notices of my preceding letter on the Constitution, I ought to enter into a description of the Administration, which has been so much praised and blamed, as well as of the hopes which are conceived of the new Ministry. As, however, Constitution and Administration do not alone decide, but

their value, or their activity or inactivity, chiefly proceed from the relations and situation of the country and people, I will at least discuss some main points relative to these matters, and then shew how they have influenced the course of the Legislation and Administration.

The increase of the population is indeed by no means always a sign of increasing prosperity and happiness; but a continued decrease of the population is a certain proof of the unhappy retrogradation of a people\*.

It is assumed that the increase in the population of England since 1800 is equal to the whole number of inhabitants in 1700†.

It "mounted, in France, from 1791 to 1831, to 23½ per cent.

In Great Britain, to . . . . .	62½
In France, from 1817 to 1831‡, to . . . . .	11
England, . . . . .	22
—— from 1801 to 1831§, . . . . .	47

\* The consumption of meat in Paris, notwithstanding the prodigious increase of the population, has not increased for many years—a proof of poverty and injudicious legislation. On the other hand, there were sold, in Smithfield—

1833. Oxen, 152,000	Sheep, 1,167,000
1837. — 172,000	—— 1,329,000

† Reports for 1839, vol. 45. Hansard, iv, 277.

‡ Dublin Review, November 1839.

§ Reports, 1840, vol ii, Health of Towns.

It is conjectured that the population returns for Great Britain and Ireland, which are now in progress, will amount to about  $27\frac{1}{2}$  millions\*. The greatest increase in the population is in the manufacturing towns. It amounted, from 1801 to 1831,

in Birmingham, to 73 per cent.

Leeds, 99 —————

Liverpool, 100 —————

Glasgow†, 108 —————

Manchester, 109 —————

In these towns, however (though in general the duration of human life has increased), the mortality has also very much increased. There died,

1821, in Glasgow, 1 in 39.

1838 „ „ 1 in 26‡.

The Committee appointed to enquire into the Health of Towns complains of misery, dirt, want of light and air, danger of fevers, &c. It proposes that a new building act be introduced, and a Board appointed for the enforcement of better regulations; that attention be paid to kennels, sewers, churchyards, public walks, baths, slaughterhouses, &c. In the country, the mortality is less than in the towns; the summer is the most healthy, the winter the most

\* This surmise has proved correct.

† Since 1831, the population of Glasgow has further increased 36 per cent. and amounts now to 280,000; but the number of houses has not increased in the same proportion.

‡ There were, probably, particular reasons for this in 1838.

dangerous, season of the year\*. Since inoculation for the small-pox, the danger has greatly diminished ; yet, in 1839, 8704 persons died of this disease†. In the same year, there were—

Births,	.	.	480,000
Deaths,	.	.	321,000
Marriages,	.	.	121,000

Of the marriages, 104,000 were of persons belonging to the Episcopal Church. Of 100,000 deaths,  $6\frac{1}{8}$  were suicides, and of them twice as many men as women. Of 1000 deaths, there are 140 of persons of above 70 years old. The average age at which marriages are contracted, is, for men 27, for women 25 years. The deaths are 1 out of 46 of the population.

The latest census will prove that there is no country in the world in which the number of field labourers is so small, in comparison with that of people engaged in other occupations ; and yet this small number produces, in proportion, the greatest quantity of food. From 1835 to 1841 there have been very favorable and very unfavorable harvests, which have led to a reconsideration of the corn-laws, of which I shall treat fully in the sequel.

\* Second Report of the Registrar-general of Births, &c. 1840.

† Formerly 5,000 children died every year in London of the small-pox ; now about 300. Report of the Vaccine Establishment, 1837.

Next to the husbandman, the number of soldiers is less than in other countries, partly in consequence of the geographical position of the country, partly in consequence of very judicious principles. Russia and France, which, though Continental powers, are quite impregnable against all attack, ought to follow this example, and, by a diminution of their armies, remove this, the most oppressive, burden on our social relations. The army consists (exclusively of India), for the British empire, of

Horse-guards,	.	.	.	1,308 men.
Cavalry,	.	.	.	10,157 „
Foot-guards,	.	.	.	5,253 „
Infantry,*	.	.	.	92,309 „

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Total, . . . 109,027 men.

If, even in our country, a residence in remote provinces, or removing to them, appears to be inconvenient, yet these are but neighbouring towns compared with lying in garrison, and being ordered to distant quarters, in the widely extended British empire. But these changes, and residence in other countries, give the soldier very different excitements and instruction; they increase his experience and knowledge; they free him from local habits and

\* Thus in 1838, and nearly the same in 1840. See Reports for these years.

prejudices ; and thus we find British soldiers in Antigua, Trinidad, Tobago, Jamaica, and the rest of the Antilles, in Canada, Nova Scotia, and New Brunswick, Newfoundland, the Bermudas, the Bahamas, Honduras, Gibraltar, Malta, the Ionian Islands, the Cape of Good Hope, the Mauritius, Sierra Leone, Gambia, Ceylon, China, New South Wales, Van Dieman's Land, Western Australia, and St. Helena.

The proposal to abolish corporal punishments in the British army was renewed in the House of Commons in 1837 ; but even the motion for making further enquiries into the matter was rejected by 167 to 72 votes. It was asserted that the English recruiting system made this mode of punishment necessary ; and, if it should be abolished, the penalty of death would often be required to preserve discipline. To this it was replied, public opinion and moral feeling are against corporal punishments, and only the officers who order them consider them as necessary. If they are more rare than formerly, this proves, at the same time, the necessity of altering the system of punishments, and the inclination to follow unrestricted arbitrary will rather than adopt new legal regulations\*. Since the corporal punishment of the Hindoos in the Indian Army is abo-

\* Hausard, xxxvii, 868.

lished, why not likewise in the case of the native Englishman? So long as the soldier is liable to corporal punishment, nobody will voluntarily embrace the profession, who is not destitute of moral feeling, and discovers no degradation in punishment.

## LETTER V.

The Colonies—The Negroes—Sale of Lands—New South Wales—  
Criminals in Australia—The East Indies—China.

*London, July 14, 1841.*

I HAVE spoken, in my preceding letters, of the Queen, of the government, and the foreign relations of England, of the endeavours to correct the constitution, and of the increasing population. I have mentioned the husbandmen and the army, and shall now proceed to the other classes of the population. Their relations (commerce, in particular, and industry) will be better represented and understood, if we first take a view (slight, indeed) of the English colonies; for a thorough knowledge cannot be acquired without the study of a life, and affords matter, not for a few pages, but for whole volumes.

Of all civilized nations in modern times (independently of external facilities and hindrances), the English have, beyond a doubt, shewn the greatest, and the French perhaps the least, capacity in the founding of distant settlements and colonies. At least, the abominable predatory warfare, which, for some years past, has been carried on in Algiers, is



the blackest contrast to what a nation calling itself civilized ought to exhibit to a people stigmatized as uncivilized.

The English, indeed, cannot deny\* that many of their countrymen in distant settlements have shewn themselves to be more rude and wicked than the aborigines, and that they practised and endeavoured to propagate all kinds of vices. The missionaries have had a more salutary influence, even on the New Zealanders, than on these degenerate Englishmen. The British government, however, did not remain an idle spectator; but caused accurate enquiries to be made into the situation and treatment of the aborigines. The very instructive reports† shew that the Europeans had done the natives more harm than good. They had brought them brandy, gunpowder, the small-pox, and venereal disease. They were every where the assailants; and a state of things founded on law had never been thought of. For the establishment of such legal relations, a gigantic step was made with one mighty word. The English Government declared that "Every native was to be considered and treated as a British subject." Thereby these unfortunate people obtained a protection and a position of which but few civilized nations can boast.

\* Report, 1837, about New Zealand.

† Reports about the Aborigines in the Colonies, 1832, 1839.

The conviction was attained, that the separation of secular and religious education did not lead to the desired end, but that both must be united, in order to raise the natives to a higher degree of real civilization. This method has already had the best effects; and Mr. Redman\*, the commander in Flinders' Island, says, "Nothing is wanted but the application of suitable means to bring to light, and to develop, the latent capacity of the degraded savages." In particular, the power of Christianity, as the most effectual means of education, was here manifested. But disputes between the clergy of different religious persuasions (for instance, the English and Scotch Church) have, unfortunately, sometimes hindered its progress. Instead of combining their efforts for the attainment of the same great object, and keeping in view the leading doctrines of Christianity, they squabble about subordinate differences, and set a bad example to those whom they were sent to convert. The government provides equally for the ministers and schools of the several religious parties†, in order that no one shall be compelled to take part in the religious ceremonies of a church to which he does not belong.

The reports of the improvement of the emanci-

\* Report for 1839, vol. xxxiv, p. 12. † Report for 1838, vol. iv, p. 4.

‡ Report for 1840, vol. xxxiii.

pated Negroes are particularly favourable. Though much yet remains to be done, the forebodings of all the friends of slavery have proved fallacious; and, when so many matters that have agitated the mind of the people of England are forgotten as of no importance, the glory of the emancipation of the slaves, this activity and generosity displayed in the cause of suffering fellow creatures, will undoubtedly shine with undiminished lustre in the history of the world.

In general, the Negroes are more orderly, temperate, and industrious, than many persons expected. All fears, in this respect, says a well-informed witness\*, have vanished from the people's minds, and have taken refuge in the daily journals, the last retreat of all untruths in the world, till they go to their proper place.

In another report† we find, "Since the abolition of slavery, the situation of the Negroes has improved in respect to education, morality, decent conduct, and intellectual knowledge. They are careful to keep their habitations in good order, and acquire a taste for superior social comforts. The former black slaves are now perhaps in a better condition than the peasantry in any part of the world; but they spend much money in articles of luxury, fine

\* Edinburgh Review, lxvi. 411. † Report, 1840, vol. xviii.

clothes, eating, drinking, and even in champagne. Others save money in order to buy land, or to put it into savings' banks. All must work, to gain money for these purposes. They prefer raising articles of food to articles of commerce; but it is a great evil, that the rent of the land left to them is not fixed according to its extent, and productiveness, but to the number of Negro families; which easily leads to Irish hardships, and to the ejectment of the tenants.

It sounds like a fable to hear that the Negroes\*, of whom it was formerly reported how many thousand lashes they were alleged to have deserved and certainly had received,—that these Negroes, for their own money, dress fine, and drink champagne; and if a few, rejoicing, as is very natural, in their new liberty and their new wealth, spend too much, there are others, (everywhere, even amongst the whites,) who are saving; and that thoughtlessness, certainly, is less deserving of reproach, than the above-mentioned selfish and foolish manner of letting, which is practised by the landowners.

'The English government has taken great pains to obtain correct statistical information† respecting the

\* A law of the 11th of April, 1838, secures the emancipated Negroes in respect to the hours of labour, the administration of justice, &c. On the other hand, it is affirmed, that they take advantage of the monopoly which they at present possess: this, however, will disappear in time.

† Reports, on Emigration, 1838, vol. xl.

countries where it intended to form new colonies. Repeated experience having shown, that such colonies throve the least where every new comer acquired land and settled apart from the rest, led to the conviction, that with the free-landowners, free-labourers and mechanics must be procured, and their generally limited resources be compressed within narrow bounds. With this the question arose : in what manner the uncultivated, unoccupied land, which however was considered as royal property, should be transferred to the settlers ? It was resolved to make no more free grants, but to sell it, and to employ the proceeds chiefly in the improvement of the colony. At first, for obvious reasons, it was sold by auction ; but, by degrees, the best-informed persons\* were of opinion that it was better to sell it without auction, at equal, fixed prices. This facilitates transactions, spares the settler's time, and removes all uncertainty with respect to the issue. Above all, bad land is not entered upon at low prices, but the best is, very properly, first chosen and cultivated. The price is generally fixed in such a manner, that it by no means deters purchasers, and is yet so high that not every one can or will purchase. By this means there remains a sufficient number of free-labourers for indispensable employments.

\* Reports, 1840, vol. vxx.

Since 1831, there have been sold (besides the very large free grants),

	Acres.
In Ceylon,                   ,,           ,,	20,000
In the North American Colonies,	1,317,000
In Australia,               ,,           ,,	1,902,000

The average price of the land sold in New South Wales was twenty-seven shillings per acre; but there have been instances when an acre, principally on account of the favourable situation, has been sold for 5,000*l.* and even more.

The inclination, the necessity, and the means of emigration, have very much increased. This, instead of being matter of complaint, should rather be looked on as an advance in the dominion of man and of mind over the whole earth.

Parliamentary grants, land sales in the colonies, local revenues, the poor-rates, and contributions of landowners in England, have contributed to facilitate emigration. A proposal to send a million of persons at once to the colonies, for 12,000,000*l.* sterling, was necessarily rejected, as well on account of the enormous expense, as because such sudden removal of activity and labour cannot be approved, either theoretically or practically.

During the last fourteen years\*, 790,000 persons have emigrated, of whom 348,000 went to the United

\* Hansard, liv. 848, England.

States of North America. From 1829 to 1839,  
 271,493 emigrants landed at Quebec,  
 273,723 „ „ in New York.

In the year 1839, there emigrated from Great  
 Britain and Ireland,

To British North America, 12,658 persons.

„ The United States, 33,536 „

„ The Cape of Good Hope, 227 „

„ Australia, 15,786 „

Total 62,207

No colony makes, in proportion, such rapid and  
 extraordinary progress as New South Wales.

In the year 1800, there were 6,000 sheep in the  
 colony; in 1834 a million. The wool exported  
 amounted, in 1824, to 279,000 pounds, and gradually  
 increased, including Van Dieman's Land, to ten  
 million pounds\*. The public revenue amounted,

In 1824, to 49,000*l*.

„ 1837, „ 354,000

„ 1840, „ 426,000

Acres.

In the year 1837, there were sold 3,300†

„ 1838, „ 56,210

The receipts for it amounted in 1832 to 13,000*l*.

1839 „ 60,000

1840 „ 217,000

\* Hansard, *xlvi*, 874; *liv*, 844; *lvii*, 600.

† Reports, 1839, vols. *xvii* and *xxxiv*.; Report on the Division of  
 Territory for Australia; Report on Emigration, 1838, vol. *xl*.

The customs amounted, in 1839, to 14,000*l*.

„ „ „ 1840 „ 21,000

The exports from New South Wales and Van Deiman's Land were worth, in 1833, £181,000.

„ „ „ 1836, 1,168,000.

Tons.

In 1828 the ships were of the burthen of 56,000

„ 1836 „ „ „ 124,000

Though the population does not exceed 150,000, the exports to the Australian colonies amounted in 1838, to 1,336,000*lb*.

To Russia, 1,663,000

The export to New South Wales is equal to one-eighth of that to India, to two-fifths of that to Canada, and almost equal to that to the West Indian colonies; and, with this increase of prosperity, the advance of intellectual improvement and social order keep equal pace; there are juries, a constitution, representation, municipal regulations, freedom of the press, as in the mother country. One point only, which was formerly considered as a relief and advantage to England, has been violently attacked in these latter years, namely, the transportation of criminals from England to Australia. It was affirmed in Parliament that the new colony is thereby demoralized in an unexampled and frightful manner;



that the proportion of women to men\* is as one to six, and in some parts as one to seventeen. In a report on this subject, made in 1838, it is affirmed† that the whole system has proved inefficacious, that crimes have not diminished, but increased, while the convicts are not reformed : that the whole colony is demoralized, given to drunkenness and vice. If the convict is assigned to a free colonist, he is either too well or too ill off ; and those conduct themselves the worst of all, who, at the expiration of their sentence, enter into the ranks of the free population. Hence arises a countless number of new crimes and punishments. Former criminals and innocent persons ought never to be mixed together. Up to the year 1837 the settling of the convicts had cost eight millions sterling ; it now costs annually 488,000*l*. In future, therefore, imprisonment and hard labour, at home or abroad, ought to be substituted for the present mode.

These objections were not unanswered : Lord Normanby said, in the House of Commons, “ in the last ten years, 35,900 persons had been transported, who, however, latterly had neither been distributed all over the country, nor assigned to private persons. The sudden adoption of another system is impossible ;

\* Hansard, liv. 266.

† Reports, 1838, vol. viii ; Hansard, xxxvii, 726.

and, if we would not return to capital punishment, imprisonment for life or public labour in chains must be adopted, which is at variance with English feelings. To found establishments for the correction of so many criminals\* would occasion too heavy an expense." Subsequently, other members†,—for instance, Lord Mahon,—declared against sending criminals to the hulks. Defects in the system of transportation might be remedied and avoided; and while persons discharged from English prisons find it difficult to obtain employment and are scarcely ever reformed, transportation had often had a very good effect; and accounts of the lawless conduct of the criminals transported to Australia were undoubtedly exaggerated.

Sir John Franklin‡, too, the governor of Van Dieman's Land, declared against the total abolition of the old system, and pointed out the difficulty and danger of various new proposals. In New South Wales itself, many landed proprietors, magistrates, and the legislative council, contradicted the statement of the above reports§. The free inhabitants and their children, they said, were in every point of view respectable,

\* Hansard, liv, 298.

† In 1839, 1835 persons were transported for seven years, and 1822 for a longer period. The same page, 546.

‡ Reports, 1838, vol. xlii; Report of 7th October, 1837.

§ Reports, 1840, vol. xxxiv.

and a great number of convicts had reformed ; therefore, single evils might be remedied without abolishing the whole system. The immense advance of the colony in activity, industry, spirit of enterprise, &c. were the best proofs of the partiality of those objections.

“ The system hitherto followed\*,” says a remarkable writer, “ has acted in a very useful manner, freed the mother country from a great burthen, cultivated deserts, and given to thousands, employment, subsistence, and property. Every thief ought to be transported : all charitable institutions, penitentiaries, and refuges, have not reformed ten criminals in ten years.

“ In New South Wales, on the contrary, thousands have become orderly, industrious, and useful ; and when the parents remain incorrigible, the children grow up useful members of society.”

Some well-meaning persons have proposed to punish criminals by imprisonment in the mother-country, and at the expiration of their sentence to send them to the colonies, there to begin an entirely new course of life, as entirely free men. This proposal seems to do away with all other great difficulties respecting the treatment, superintendence, and employment of the convicts in the colonies. Yet, it remains to be considered, 1, that the term of punish-

\* The World, 1840, page 74.

Coloured ditto.....	81,000 pieces.
Pocket Handkerchiefs..	41,000 „
Indigo.....	6,579,000 lbs.
Pepper.....	1,871,000 „
Rice.....	203,000 cwt.
Saltpetre.....	234,000 „
Raw silk.....	1,121,000 lbs.
Silk pocket handkerchiefs	484,000 pieces.
Raw sugar.....	443,000 cwt.
Tobacco.....	126,000 lbs.
Cotton.....	40,217,000 „

The increase in the exports of wool\* is particularly remarkable ; it amounted, in

1833,	„	to	3721 lbs.
1834,	„	„	67,763 „
1835,	„	„	295,000 „
1836,	„	„	1,084,000 „
1837,	„	„	1,880,000 „
1838,	„	„	1,897,000 „

The total value of the imports into England, from India, amounted to about thirty-five or thirty-six millions of dollars. The cotton manufactures exported to India were†, in

1814.....	818,000 yards.
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\* The wool imported from the Cape of Good Hope was,  
In 1828, 29,000 lbs.      |      In 1838, 422,000 lbs.

† Hansard, lvi, 602.

1821.....	19,138,000 yards.
1828.....	42,822,000 „
1835.....	51,277,000 „
1837.....	64,213,000 „
Cotton yarn, value, 1825, 16,000/.	
„ „ 1837, 602,000	

A very remarkable fact appears here ; namely, that England, by the superiority of her machinery and manufactures, is able to import raw cotton from India, to spin it, and send the yarn back to India, there to sell it cheaper than the yarn spun by the natives on the spot. The newly-opened trade of England with China is almost as important as that to India. If that ultra-conservative, hermetically sealed, decrepid, and petrified celestial empire once receives the impulse of European activity and civilization, if an opening is once gained, the European-Christian leaven will break the old bands, and all Asia, like the other parts of the world, be impelled to a new and more exalted development of the human mind. The throne of the Emperor of China does not stand more firmly than that of the Great Mogul, or of the Turkish Sultan. The diplomatic tailors, it is true, are rather proud that they have been able to declare that Turkey is patched up again, and may be compared to a new, durable garment ; but larger rents are made close to the seams, and there is perhaps no better historical

justification of the partition of Poland than this non-partition of the Turkish Empire.

When the monopoly of the East India Company was broken up a few years ago, a prophetic—almost universal—lamentation arose, that the trade with China was now at an end, and that all the unconnected, injudicious exertions of individuals, the trade being free, could not make up for the energy, activity, wisdom, and experience of the monopolists. Never was a prophecy more completely refuted, and the power of free trade more fully proved.

Already, in the year 1833, the value of the exports from Canton to India, by the Company,

amounted to only	8,297,000 dollars.
By private individuals,	13,354,000   ,,

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Total, 20,651,000   ,,

The exports from India to Canton amounted,

By the Company, to	4,046,000 dollars.
By private merchants,	19,119,000   ,,

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Total, 23,165,000

Perhaps it may be objected that the ancient and prudent Company would not have got into any disputes with the Chinese. It is very possible that this old woman (as many Asiatics conceived and called the East India Company) might agree better with

the old man, the Emperor of China; that they would have felt more elective affinity to each other, and not have commenced a suit for separation in their old age. They would certainly have no more children, such as may be expected from the new circumstances and connexions.

I now proceed to give an instructive view of the imports and exports from and to the English colonies, exclusive of India.

The imports to England amounted in

	1828.	1838.
From Sierra Leone	£ 47,000	77,000
„ The Cape of Good Hope,	191,000	184,000
In 1837, the imports were, however,		232,000
„ The Mauritius,	516,000	843,000
„ Ceylon	181,000	501,000
„ Australia,	79,000	450,000
To The West Indies,	9,496,000	7,680,000
„ British North America,	1,052,000	1,266,000

The exports of manufactures amounted in value

	1828.	1838.
To Sierra Leone,	£ 62,000	134,000
„ The Cape of Good Hope,	218,000	623,000
„ The Mauritius,	185,000	467,000

To Ceylon,	£45,000	107,000
„ The West Indies,	3,289,000	3,393,000
„ British North America,	1,691,000	1,992,000

This table proves, that, however unfavourable the commercial relations of Great Britain may be in some years, or even months, yet on the whole, and for longer periods, an extraordinary progress is undeniable. In the West Indies alone, there is a stagnation, nay, an absolute falling off, which many persons ascribe to the abolition of slavery, and would remedy it by the continuation of certain monopolies, or even by rendering them still more strict. But this stagnation took place long before the abolition of slavery and in spite of the monopolies; and might, perhaps, be rather ascribed to the fact, that these monopolies produced an artificial state of things and too high prices, which, after they have been enjoyed a short time, fall even below those which the natural state of things would have produced.

Many may perhaps remark, we take no pleasure in such statements as the preceding; they prove only that mankind are devoting their energies to corporeal subordinate objects, but neglect and lose sight of more elevated and intellectual pursuits. But is there then, in reality, such an absolute opposition



between the corporeal and the intellectual, between the material and the spiritual? Must all outward exertions be excited and made from within? does not intellectual power every where manifest itself externally. Does the slave, attached to the soil and oppressed by want, shew more mental activity than the merchant, who sails round the world and connects the most remote countries with each other? The indolence, the insipid love of enjoyment of those who are too rich, is a later excrescence, which is to be combated by other means. I intended, however, merely to produce, in this place, a proof that, together with the exports for eating, drinking, clothing, &c. that of food for the mind has increased also. The amount of the quantity of books exported, in

	1828,	1838,
To Sierra Leone and Gambia, . . .	4	24 cwt.
„ The Cape of Good Hope. . . .	67	236 „
„ Mauritius. . . . .	12	73 „
„ Ceylon. . . . .	37	89 „
„ West Indies. . . . .	560	779 „
„ British North America. . . . .	529	537 „
„ Australia. . . . .	131	784 „

The increase in the exportation to British North America is probably smaller, only because that colony derives its supply of books chiefly from the

United States. It has increased most in proportion to Australia ; a proof that the free inhabitants, and those who become so after the expiration of their penalty, feel, in those remote countries, a most urgent desire for intellectual food.

## LETTER VI.

Canada.

*London, July 17, 1841.*

THE Spanish colonies were, for the most part, a present of chance and of a rapid general occupation. The Russian dominion in the north-west is mostly a consequence of geographical position ; in the English colonies, intention, prudence, and activity, have had a greater share. But the more talents a child possesses, the more judicious and comprehensive its education has been, the sooner does it attain its majority and separate from its parents. England may expect this fate with all its colonies. Shall we say, on that account, that it has pursued a wrong course? shall we reject and disdain what is natural in time, because it is not made for eternity? By no means; every individual, every race, every people, has its own peculiar task. He who does much, leaves much behind him, and the inheritance is divided, blessing distant ages and unknown nations. I do not mean to repeat, on this subject, what I formerly said ; but the recollection of Canada impelled me to these observations.

The French part of the country became English in 1763, but was not immediately treated precisely

like the other colonies. In 1791, a new constitution was introduced for Upper Canada, and another for Lower Canada. Upper Canada had an elective chamber of at least fifteen members, and a legislative council of at least seven members, who (as a chamber of Peers by birth, was impossible) were nominated by the government for life. In Lower Canada, the elective chamber consisted of fifty members, and the legislative council of at least sixteen. Complaints, which gradually became louder, arose in respect to the position and the influence of the council, and of its interference in matters of taxation: in reference to which, Lord John Russel said: "popular assemblies are seldom wrong in the beginning of disputes, and seldom right at the end. They begin with seeking for remedies against existing and real grievances, and end with declarations of mistrust and suspicion of all existing authorities. In four years and a half, Canada has granted no taxes, and demands that the legislative council should be likewise elective, and be answerable to the elective chamber. The former would thereby become a mere echo to the latter, and all responsibility to the King and the Parliament of Great Britain cease. Rather than accept these proposals, it is better to declare—let us entirely separate the two countries\*."

\* 1837, Hansard, xxxvi, 1237 ; xxvii, 144, 1277, 1280.

These proposals were rejected by a majority of 141 to 16; a new constitution for Canada, drawn up by Mr. Roebuck, was not more favourably received. Sir Robert Peel called it absurd; for it was absurd, and would lead to a perfect democracy, which was by no means the wish of the people of Canada.

Lord Durham, who, as is well known, was sent to Canada as Governor-General, made a remarkable report on the affairs of that country, from which I extract the following passages.

The question is not merely a dispute between the government and the people, between the executive and the legislative authorities, but the all-pervading contest between the English and the French inhabitants. The French majority advances the wholly democratical doctrines of the decided right for every numerical majority, while the English minority endeavours to maintain certain privileges, inequalities, and properties. But, in fact, the French employ their democratical arms rather for conservative objects than for liberal, enlightened improvements; and the friends of reform, therefore, take part with the English ministry, who have hitherto endeavoured, in vain, to improve antiquated laws. To this we may add, that the great body of the French suffer from the feudal system, which the chiefs of the party so obstinately maintain.

The English and the French in Canada differ in every thing ; in origin, character, language, education, religion, laws, inclinations, and wants. The French are as an old stationary society in the midst of a new and advancing world. In all essential particulars, they are still Frenchmen, but quite different from the French of the present day in France ; and, with respect to both their good and bad qualities, more like those of former times. That the English cared little about them, and obtained almost all public offices, could not but hurt so sensitive a people. The former are intolerant of differing customs ; the latter, vain of their own. Hence, no social intercourse, no good understanding, no co-operation, for common objects. The English have more practical judgment and activity, and are therefore richer ; the French possess more education, and such knowledge as may be derived from books. They consider the land as the property of their nation ; they desire to maintain what exists, especially the laws respecting landed property, by which the activity of the English is every where impeded. Hence the English join with the government against the French majority in the elective chambers. They would turn to the North Americans, hitherto hated by the French, as soon as the mother-country should reject their demands.

From such a state of things, evils of every kind

arose ; even to the greatest, internal war. It is put an end to, and order restored, almost contrary to expectation ; but for how long a time is uncertain. On the 23rd of July, 1840, a law was passed, by which Upper and Lower Canada are united, and their former constitutions abolished. The legislative council, appointed by the Governor according to the instructions to the Queen, consists of at least twenty members, holding their office for life. At least one-half of the members are necessary to take a resolution ; the Speaker is nominated by the Governor. To the second Chamber or Assembly, Upper and Lower Canada choose an equal number of members, partly according to ancient usages and regulations. Every member must have a clear income of £500 arising from landed property. The Chamber is convoked annually, the Speaker is chosen by the members, and the revenue of the two provinces thrown together. There is a new election every four years ; the number of the members is not stated in the law, but at least twenty must be assembled to come to a resolution.

## LETTER VII.

Commerce.

*London, July 18, 1841.*

IN my preceding letter, I have already spoken of the colonies and of commerce ; but there remains much to be reported respecting English manufactures and trades, and to point out the essential changes that have taken place in this respect since 1835. Before we join in the loud complaints which are made at the decline of commerce and industry, it is necessary to look without prejudice at the facts, and to see what real results appear from them. But it is the more difficult to attain this object, because, according to the difference in people's notions, and the diverse points of view which they take, not only very different results are announced, but even numbers greatly differing from each other are produced.

Let us begin with commerce, and first with importation and exportation ; many points relative to the course, the difficulties, and the progress of the national manufactures will be afterwards more easily understood. The diverse numbers will reciprocally correct each other.



## OFFICIAL VALUE\*.

	Exports.	Imports.
1830,	38 million pounds.	46 million pounds
1831,	37 „	49 „
1832,	38 „	44 „
1833,	39 „	45 „
1834,	41 „	49 „
1835,	47 „	48 „
1836,	45 „	57 „
1837,	42 „	54 „
1838,	50 „	61 „
1839,	53 „	62 „
1840,	102 „	67† „

This first table shews a considerable fluctuation—rising and falling, favourable and unfavourable years. All taken together, however, shews not a decline, but an undeniable increase. Let us compare with these some other statements. There were exported, on an average‡

	18 $\frac{1}{2}$	18 $\frac{2}{3}$	18 $\frac{3}{4}$
Cotton manufact.	yds. 230 mills.	333 mills.	570 mills
Linen,	yds. 32 mills.	51 mills.	71 mills.
Iron ware,	cwt. 243,000	225,000	354,000

\* Lord Palmerston's statement, Hansard, lv. 892. They differ from many others, but they are *the lowest*. Compare Report for 1838, vol. xxxvi.

† Greg. A Letter on the Pressure of the Corn Laws, p. 11.

‡ Hansard, xlv, 441.

Iron and steel,	tons	60,000	81,000	185,000
Cloths,	pieces	1,445,000	1,758,000	1,988,000

On presenting this abridged statement, it was at the same time ascertained that the quantity had increased, but the prices and consequently the profits had decreased. But as soon as the capitals increase in a greater proportion, and the expenses of manufacture decrease, a diminution of profit does not necessarily follow from decline of prices\*. In the same manner, the great reduction of the taxes has undoubtedly had, in these latter years, an advantageous, though less evident, influence.

From the reports for 1840, I contrast the following table of the most important articles of importation for home consumption.

		1831.	1839.
Coffeet,	pounds	25,818,000	26,832,000
Wheat,	quarters	1,736,000	2,521,000
Barley,	„	8,000	594,000
Oats,	„	11,000	864,000
Rye,	„	2,000	152,000
Pease,	„	11,000	169,000
Beans,	„	54,000	123,000
Olive oil,	gallons	2,037,000	1,815,000

\* England, ii. 196.

† In a report on the East India trade (1840, vol. viii), it is stated that Brazil produces annually about 134,000,000 pounds of coffee; Java, 80,000,000 pounds, and Mocha only 5,500,000 pounds.

		1831.	1839.
Opium,	pounds	31,000	41,000
Raw silk,	„	3,683,000	3,483,000
Lamb-skins,	raw	1,983,000	2,120,000
Brandy,	gallons	4,338,000	3,991,000
Sugar,	cwt.	4,373,000	3,857,000
Tea,	pounds	32,367,000	35,136,000
Wine,	gallons	7,200,000	7,239,000
Wool,	pounds	56,415,000	53,221,000
Cotton*,	„	460,756,000	355,781,000

Export of British production and manufacture,  
declared value :

Cotton manufactures,	£16,715,000	£17,614,000
„ yarn.....	7,431,000	6,957,000
Linen.....	2,730,000	3,422,000
Iron and steel ware....	2,535,000	2,702,000
Woollen manufacture..	5,795,000	6,272,000
Sum total of exports..	43,344,000	45,281,000

Net receipt of Customs,

1836, £20,522,000

1837, 21,943,000

The wool imported in 1838 amounted to

57,395,000 lbs.

* According to other statements, the total import of cotton was—			
1833,	303 million pounds.	1837,	407 million pounds.
1834,	326 „	1838,	507 „
1835,	363 „	1839,	389 „
1836,	406 „		

After the excessive importation of 1838, a falling off in 1839 was to be expected; but if we take the average of the two years at 448 million lbs. there is a regular advance in comparison with the preceding years.

Of which, from Russia.....	7,966,000	lbs.
From Germany.....	23,837,000	„
„ Portugal and Madeira	1,024,000	„
„ Spain. ....	2,409,000	„
„ Italy. ....	1,892,000	„
„ Turkey.....	1,183,000	„
„ India .....	2,103,000	„
„ New South Wales. .	6,621,000	„
„ Van Diemen's Land*	3,212,000	„
„ Chili. ....	1,339,000	„
„ Peru.....	2,149,000	„

The importation of wool from India has increased, as well as that from Australia. In 1834, it amounted to only 69,000 lbs†. This is partly owing to two circumstances; the opening of a free trade to the west of the Indus, to Kabul and Afghanistan, and the importation of sheep, of the Saxon breed, from the Cape of Good Hope to Australia and India.

The number of ships employed in commerce and the coasting trade is variously stated; at all events, however, it has constantly increased. The number of British ships outward bound:

\* According to the latest accounts, the importation of wool in 1840 from Australia may be equal to that from Germany, only it is worse and cheaper. The Australian wool fetches 1s. 3d. to 2s. 2d. per lb.; the German, 1s. 8d. to 6s. per lb.

† Royle, Resources of India, 145, 152.

	<b>Ships.</b>	<b>Tonnage.</b>	<b>Crews.</b>
1838,	30,314	4,003,000	251,000
1839,	31,296	4,322,000	265,000
1840,	33,783	4,661,000	282,000

**Foreign ships.**

1838,	7,650	1,021,000	57,000
1839,	8,376	1,203,000	67,000
1840,	10,502	1,371,000	78,000

According to another statement, there arrived in the year 1837\*,

	<b>Ships.</b>	<b>Tonnage.</b>	<b>Foreign ships.</b>	<b>Tonnage.</b>
In London,	4,079	821,000	1,547	440,000
„ Liverpool,	1,940	484,000	987	313,000
„ Bristol,	351	71,000	40	7000
„ Hull,	998	210,000	901	89,000
„ Newcastle,	921	140,000	688	76,000
„ Dublin,	216	35,000	26	4000

The net receipt of customs, in 1836, was

In London,	£11,088,000.
„ Bristol,	1,073,000
„ Liverpool,	4 136,000
„ Glasgow,	289,000
„ Dublin,	898,000
„ Leith,	514,000

I might easily enlarge and increase the number of the tables; but perhaps no positive result would

\* Reports for 1839, vol. xlv.

be derived from them ; nor will I attempt to explain them in detail, but merely subjoin a few remarks.

First. The rise and fall of trade in some articles, and in some years, have generally peculiar causes ; for instance, failure of crops, too great or too little importation or exportation in a preceding year, the augmentation, or reduction of taxes, the opening or closing of convenient channels of trade, war or peace, &c.

Secondly. The home-trade, which very much increases with the population, is less subject to fluctuations than the foreign trade ; unfavourable commercial crises, dearness of provisions, &c. have, however, a great influence on it.

Thirdly. An increase of trade and wealth may take place to the advantage of the great merchants and manufacturers, while the smaller merchants and tradesmen, down to the artisan, are great losers.

Fourthly. The existence of evils in the English commercial world cannot be denied. The individual, therefore, as well as the government, should take the greatest pains to remedy them, and not look on many causes of disorder as means for the preservation of health. I shall examine, in the sequel, whether the corn-laws are really the causes of such disorders.

Fifthly. The years 1837 to 1840, in consequence of commercial disasters and bad harvests, were not so favourable to the progress of Great Britain, as

many preceding years ; but it is to be hoped that the impediments arising from natural phenomena will not speedily return, and those attributable to legislation be wholly removed.

Sixthly. The most important question of the day, that on free trade, will be better answered when I have spoken of the manufactures and finances. I must, however, mention, in this place, the commercial treaty between England and Germany, concluded on the 2nd of March, 1841. All the very violent objections raised against it have been so completely refuted, that I will not enter upon them, and refer merely to what I wrote on that subject for the *Leipzig Allgemeine Zeitung* (16th July, 1841, No. 167).

I know that both Englishmen and Germans, who combine theoretical knowledge with practical experience, unanimously assert that this treaty deserves the highest praise, and is a great improvement and gain to both parties. For, in the first place, it recognises that a more liberal system of commerce (and in this instance Germany took the lead in giving a good example) is to be preferred to all monopoly and separation of interests. Such reciprocal, manifold mercantile connections are, at the same time, one of the greatest securities for the continuance of peace, and a salutary admonition to every people, to avoid all artificial means, which, in

the end, are always prejudicial, and to advance in the natural course of improvement adapted to its own situation. However difficult the transition from an artificial to a natural state of things may be, England, for its own interest, will be obliged constantly to approximate to the latter, and to decide the great questions of free trade and duties of customs conformably to the spirit of the above treaty. Secondly: Germany appears in this treaty, for the first time, as a great power in the commercial world, as a united people: without division, opposition, or envious exclusion. All petty, anxious, arrogant, or selfish arguments must vanish before this important and most gratifying fact; and it will now depend upon the Germans themselves to hold fast what they have gained, to pave the way to obtain further advantages. Thirdly: Without mentioning other immediate benefits, I will only remark, that all ports, situated on German coasts, or at the mouth of German rivers, are at length considered and recognized, as they ought to be in the commercial world, as German ports. Formerly, a Hamburg ship was not allowed to convey merchandize from Danzig, nor a Danzig ship from Hamburg to England; each of them, with much loss of time and money, was obliged to return home: it could only take in goods from the immediate neighbourhood. Now, a Prussian captain, who



brings coals from England to Hamburgh, may carry corn direct from Hamburgh to England. Every other German captain may take in a cargo in any German port, and go to England. All this was not permitted previous to the conclusion of this treaty. Fourthly: Should objections be made against the second article, which says "that the English shall be placed on the same footing with the most favoured nations, in respect to the importation of sugar and rice," I think they might be easily refuted. In the present state of commerce, those articles can be imported only in German, Dutch, or English vessels. Now, at the time when the treaty of the second of March was negotiating, the Dutch enjoyed very great advantages in the importation of sugar; they, alone, obtained thereby a kind of monopoly. By allowing the same to the English, the monopoly was broken up, and a salutary competition established. Lastly: if the extravagant favours granted to the Dutch no longer exist, neither can the English make any claim to them, and matters are in their natural equipoise: but if, contrary to the spirit of the German system, it should be resolved to grant to some states new, unusual privileges (to the North Americans, for instance, for rice, or to the Brazilians, for sugar), England would very naturally pretend to the same, or, with its preponderating naval power, adopt unplea-

sant counter-measures. At all events, more advantages have been gained from England than could probably be now obtained from France or Russia; our commerce with which being subject to still greater restrictions. It is, however, to be hoped that the example of England and Germany will induce those powers also to abandon their baneful commercial policy. Nay, we may ask whether the time will not come (as there once was a time), when, instead of the highly-inconvenient, costly commercial duties, which alienate nations from each other, some other taxes may be substituted? Perhaps, it may be answered, that instead of these reveries on a distant futurity, it would be better to devote our whole attention to the present, and to give a due prominence to the apprehension that England (as has been already hinted in Parliament) will make the most exorbitant demands on Germany for a change of its tariff, and that infatuated governments may ruin German manufactures, by too readily conceding a reduction of German protecting duties. I consider this apprehension to be unfounded; because the English, as well as the German governments, well know that a change in the duties on corn, timber, and sugar, proceeding from the internal condition of Great Britain, will necessarily take place sooner or later, even though Germany should not make the slightest concession in

return. In a similar manner, Prussia (and afterwards the German Customs' Union) for its own interest, and in consequence of having acquired more solid views, reduced the import duty on foreign manufacture, some years ago, without requiring or obtaining in return great concessions from other governments. From the moment when the doctrine of the advantages of free trade and of unlimited competition universally obtain, a reciprocal understanding on the tariff of duties will soon follow, and the object of the changes, dependent and consequent upon it, will not be the acquisition of undue advantages, but the establishment of a system founded upon true science and thorough experience, and equally advantageous to both parties.

## LETTER VIII.

Rail-roads—The New Post-office—Bankruptcies.

*London, July 19, 1841.*

STEAM-BOATS, high-roads, iron railways, and the posts, are essential means for the promotion of trade and commerce; hence I will say a few words upon them to-day.

In the year 1812, there was only one small steam-boat in Great Britain; in 1836, there were three hundred and eighty-eight; in 1838, above six hundred steam-boats, and since then their number has increased so rapidly that it is scarcely possible to state it.

England possesses innumerable bye-roads, kept up by the parishes, and 22,000 English miles of turn-pike road, the constructing and management of which have been approved and regulated by about 3,800 acts of Parliament. Though the annual revenue arising from them amounts to 1,500,000*l.* the contractors are very deeply in debt, not indeed without their own fault (for instance, by injudicious construc-

tion, expensive management, &c). Many proposals have been made for the liquidation of this debt and remedying the defects; but none have been carried into execution\*: neither have all public taxes on travelling been abolished. A stage coach†, which carries six passengers, pays one penny per mile, and the tax increases to three pence halfpenny for nineteen to twenty-two persons.

On the 1st of July, 1841, iron railways to the length of 1581 English miles‡ were completed and opened for travelling; others are nearly terminated. Among the former, are the railroads

	English miles.
From London by way of Bristol to Bridgewater,	117
Ditto to Birmingham.....	112
Ditto to Southampton and Portsmouth...	76
Birmingham to Derby.....	38
Ditto to Gloucester.....	52
Ditto to Manchester and Liverpool.....	45
Manchester to Leeds.....	60
London to Sheffield, Leeds, York, and Darlington.....	181

The fares vary according to circumstances; for example, from London to

\* Reports, 1840, vol. xxvii. † Law of the 24th of August, 1839.

‡ Journal of the Statistical Society of London, July 1841.

	Miles.	1st class.	2nd class.	3rd class.
Birmingham,	112½	30s.	25s.	20s.
Bridgewater,	115	38	26	16
Southampton,	76½	21	14	8

The receipts and the number of travellers increase daily. From the 1st of June 1839 to the 31st of January 1840, 437,000 persons travelled from London to Birmingham; and upon the Great Western Railroad\*, from May 1839 to the end of January 1840, 509,000 persons. The clear profit, on the road from Liverpool to Manchester, amounted, in

1837, to 82,000*l.* sterling.

1838, „ 102,000 „

1839, „ 111,000 „

The receipts on the Grand Junction Railway from Birmingham northwards, were

1838, 129,000*l.* | 1839, 202,000*l.*

The tax on travellers by the railways, which, though small, is inconvenient, and in proportion unproductive, is justly blamed, as it is charged according to the distance (one eighth of a penny per mile), without regard to the class of the carriage or the fare. The poor pay fifteen per cent. while the rich pay only three per cent.

No where have so many experiments been made on railroads as in England. Not merely the tech-

\* Reports, 1840, vol. xiii.

nical works, but the official reports, give instructive information on the subject ; yet many questions still remain which are hard to be answered, and difficulties which are scarcely to be removed. By degrees it became evident that no competition is possible on the same railway, and that the companies necessarily obtain a monopoly. There is no longer any doubt that travellers must be secured by laws against the abuse of this monopoly, and that a general superintendence of all railways on the part of the government is indispensable. The freighting of goods sent by the canals is on an average from five shillings to ten shillings per ton less than by the railroad, and this circumstance has occasioned both to lower their prices. The proprietors of the several railroads have not adopted the same principle for the conveyance of goods : some have obtained a monopoly in this respect, others forward waggons with goods upon the railroad, others have not undertaken to transport any goods.

One of the most important changes which have latterly been effected in the internal communication in England is in the Post-office. The adversaries of the former system alleged that the revenue of the Post-office amounted\*, in

\* Reports, 1837, vol. xx. Hansard, xlviii, 1348—lii, 209.

1758, to 222,000*l*. | 1837, to 2,206,000*l*.

The augmentation of the rates is the more unjust, as the expenses of management (by means of improved roads, more ready communication, &c.) have gradually become proportionally less, and are by no means increased by the conveyance of a greater number of letters. Every tax on a means of communication is absurd; and there is nothing on which such an enormously high taxation is made for so inexpensive a service. The correspondence is considerably diminished by it; and cheaper, though prohibited, means are resorted to. On articles of such trifling weight as letters, the charges must not be raised in proportion to the distance, but be decreased according to the number of letters. The postage for all letters should be fixed at one penny, as Mr. Rowland Hill proposes; it should be raised by some stamp, the management simplified, abuses abolished, &c.

Nearly all the officers of the Post-office opposed this plan, and the Chancellor of the Exchequer (at that time Lord Monteagle) declared emphatically it would cause a great loss to the revenue, which must absolutely be made good. The majority within and without the house, however, thought time will bring a remedy, and looked only at the advantages of the proposed change. "It is," said they, "the greatest boon for the mercantile world, for domestic and social



purposes, friendly intercourse, scientific and even religious enterprises.

For these and similar reasons, the law of the 10th of August was passed ; the new leading principle of which is, that letters pay differently according to the weight, but without regard to the distance. The postage of a letter within the frontiers of Great Britain and Ireland is one penny, if it weighs only half an ounce ; a letter above half an ounce to one ounce weight pays double this rate.

1 to 2 ounces pays 4 rates

2 „ 3 „ 6 „

3 „ 4 „ 8 „

For every additional ounce two rates are charged.

A letter to the colonies pays one shilling.

„ to Germany „ one shilling and  
eight pence\*.

A newspaper pays, in the United Kingdom,  
one penny.

„ to the Continent, two pence.

„ from the Continent, two pence.

All letters which are not prepaid or stamped (which has been adopted to facilitate the business of the officers), are charged double on delivery.

\* The postage between England and the Hanseatic cities has lately been considerably reduced, and it is hoped that this measure will soon be adopted with respect to the other German States.

Loud and ingenious objections were raised against these new regulations\*. Defects, it was observed, existed, and these might be remedied ; but to overturn the whole system for the sake of a dazzling, promising theory, though that system was founded on the nature of things and experience, was rash and unwise. The revenue of the Post-office cannot rise exactly in proportion to the population ; yet, notwithstanding alleged and prejudicial abuses, it had considerably increased ; none but the merchants and the rich would profit, to a great extent, by the reduction of the postage ; not the poor, who would derive much greater benefit from a reduction of the duties on corn and malt. A cheap postage might have bad consequences as well as good ones, and the revenue would materially suffer, and all these calculations of the saving in the expense of management and of an increase in the number of letters were greatly exaggerated. Bulk and distance alone should decide the rate of postage ; innumerable small gradations are not needful ; but space and time could by no means be annihilated : otherwise a journey to Edinburgh ought not to cost more than a journey to Windsor.

The friends of the new system did their utmost to refute all these objections. They said, for a bad

\* Quarterly Review, No. cxxviii, p. 513.

tax a better might be substituted, and the loss would be covered in a few years. Not only the rich, but the poor would be benefited by the reduction of the postage. The bulk was not of so much consequence in light and portable articles as in heavier ones, and the postage would still greatly exceed the expenses of conveyance. The new arrangements would materially diminish the expenses of management, &c.

If we looked at the question impartially, we should probably find, that a tax on the ways and means of communication, far exceeding the necessary expenses, cannot be theoretically justified ; and has practical disadvantages likewise ; that the expenses of the conveyance of letters by no means increase in proportion to the distance, as is the case with other articles ; therefore, that the innumerable gradations and expensive augmentations are by no means justifiable ; lastly, that the public in general derive great advantages from the reduction of postage. But, on the other hand, it cannot be denied,

First, That not the poor, but the rich, and especially the merchants, derive the greatest advantage, and that the inequality of English taxation thereby becomes still greater.

Secondly, That it was very bold in the Parliament, and a great concession in the Ministry, to

grant a remission of taxes, to the amount of a million sterling, without compensation, at a time when the annual expenditure already exceeded the revenue.

If, as many propose, an attempt were now made to double the postage, much louder complaints would probably be made than previous to the reduction. The hope of a compensation, through the increase, in the number of letters, is besides greater; for in four weeks\* ending 5th January, 1839, the number of letters sent by post was 1,500,000; and in four weeks ending 22nd May, 1840, 5,236,000; within four weeks ending 3rd July, 1841, 5,522,000.

I subjoin a few words on Bankruptcy, the dark side of trade. The laws on the subject differ so materially, in regard to great merchants and small traders†, that minute inquiries were made how they could be better assimilated. Thus, for instance, the laws on bankruptcy afforded but scanty means of discovering and punishing dishonesty: the laws for other insolvent debtors gave but slight means for ascertaining the amount of their property. Great merchants are much more secured against imprisonment than those of a lower rank. The bankruptcy

\* Rowland Hill's Results of the New Post Arrangements.

† Report on Bankruptcy and Insolvency, 1840, vol. xvi. I cannot enter into particulars, which cannot be understood without the most accurate knowledge of the English administration of justice.

laws liberate the bankrupt from all future claims when he has received his certificate: not so the law for other insolvent debtors. In the year 1839, 3691 of the latter were declared; among them were

2388 merchants,

1056 not merchants,

247 doubtful;

among the latter were sixty-five farmers, forty attorneys, fifteen school masters, forty-two surgeons, &c. which gives us some insight into the peculiar position of these persons.

## LETTER IX.

Factories—Education of the Children employed in the Factories—  
their Number—Trades' Unions.

*London, July 20, 1841.*

WHEN I announce that I intend to-day to speak of manufactures, you will doubtless fear that you will be overwhelmed with long lines of figures ; but I think I have given you enough of these in my letter on commerce, import, export, &c. I will now claim your attention to other important subjects.

In my former letters, I have spoken of the treatment of the children in the factories, and of the laws passed on that subject. With reference to them, permit me to communicate some new facts and further developments. The law of the year 1833 was prepared essentially for the protection of children, and enacted that children under nine years of age\* should not be received into any manufactories. Children under eleven years of age, not to be employed above eight hours ; under thirteen,

\* Westminster Review, vol. xxviii. ; head of August 1833.

not above nine hours; under eighteen, not above twelve hours. Till the age of thirteen, two hours are daily allowed for instruction in school, and one hour and a half for meals. These enactments were afterwards in some degree modified and improved; thus, in February 1839, it was decided that no child should work, in the same day, in more than one factory; that the time allowed for school and meals should be better observed, &c.

Notwithstanding this, complaints were still made of the inefficiency, and infraction of the laws. 'The health\*, it was said, and the growth of the children were injured; sickness and premature old age follow, and even less care is taken of their moral and intellectual improvement. All family ties are dissolved; for the father goes to work in one mill, the mother in a second, and the children in a third; or they live without education, health, or comfort, worse than the beasts of the field.

On the other hand, the manufacturers complained that they were calumniated†, that evils were invented or exaggerated, that interruptions were everywhere occasioned by intricate laws, which excited, both in the master and the workman, an inclination to infringe them. "Many," said Mr. Horner, a

\* Quarterly Review, lvii, 397.

† Report, 1838, vol. viii. Trades' Unions.

well-informed inspector of factories, “ are greatly mistaken in condemning what they term the factory system. They know not how much virtue, knowledge, comfort, and happiness, may be found among the workmen in a well-regulated mill. . No less false are the reports respecting the state of health ; inas-much as exceptions are brought forward as rules ; at all events, matters are no better in other trades and occupations ; and the children in the factories are as well educated as others.

Through the superintendence which the inspectors exercise over all the factories, the laws are better executed ; and, again, the great manufactories in large towns are superior to the smaller ones, in remote places. The dislike of the masters to the law, and the number of infractions, daily diminish. In 596 factories, the inspectors found grounds for 114 complaints\*, and chiefly for the employment of children under nine years of age, for working beyond hours ; for receiving them without a certificate, for irregularity in keeping the books, and most frequently for receiving children without a certificate of their attending school.

There is no doubt that, in the latter respect, there is still a great want, and greater difficulties. Of 2,000 children,

186 did not know their A B C,

\* Report of the Inspectors of Factories, 1837, vol. xxxi.



372 knew only their letters,  
 509 only words of one syllable,  
 1067 or 53½ per cent. could not read,  
 332 read the New Testament with difficulty,  
 611 read ditto fluently\*.

Of 1040 boys, only 341 could write their name,

„ 900 girls „ 100 „

In spite of this melancholy result, it seems evident that education, compared with former years, is improved†, and would be still more so, if the time allotted for work were shortened, without reducing the day's wages, and if their schooling were not put a stop to when they attain their thirteenth year‡.

There is, besides, a great want of school-masters and schools. Who is to train the former and found the latter? It is impossible to have a school for every individual factory, and there is considerable difficulty in combining the work within the factory with the instructions given without, and, after long bodily exertion, to maintain energy and inclination for mental improvement.

Many manufacturers now very unwillingly employ children under thirteen years of age§; for the very reason, that they are obliged to let them attend

\* Report, 1837, vol. xxxi, p. 47.

† Ib page 11

‡ Factory Report, 1838-1839.

§ Report for 1840, vol. x.

school ; by this means, however, their children are deprived of an income of from 1s. 6d. to 4s. 6d. or, as others say, 7s. per week, for eight hours' daily work. Their wages are not always regulated according to the time of work ; but taking into consideration other circumstances, such as ability, poverty, &c. On the whole, the wages have not decreased since the reduction of the number of hours by the Factory Bill.

It has been hitherto very difficult to ascertain the ages of the children, for want of complete certificates of baptism, and baptismal registers. The medical men often made mistakes accidentally or purposely, in giving their certificates ; and the parents represented the children older than they were, in order to obtain employment for them in the factories.

In Scotland and Ireland, proportionally fewer children under thirteen years of age are employed than in England. Every where the number of girls is greater than that of boys. A few years ago it was computed that there were employed in the factories\*,

Children under eighteen years of age,	164,000
„ „ thirteen „	190,000
	<hr/>
	353,000

However beneficially the laws have operated, it

\* Westminster Review, vol. xxviii.

appears that here, as is often the case, they are not able to change natural and general relations ; for instance, since almost all the heavy work is done by machinery, a demand arose for children, to whom lower wages were paid ; the parents considered this demand as a gain, and many children as a productive capital. But when the children grow up and are discharged, then, independently of all commercial crises, great difficulties arise in finding other employment for so many thousands ; and those who are employed endeavour by every means in their power to improve their condition beyond the natural state of things. Among the means which they resort to, are, above all, the Trades' unions, of which I will now speak in detail.

If we compare the old guilds with these new unions, we observe at once a great and important difference. In the former, the interest of the masters and journeymen was essentially the same : in the latter, the masters and workmen stand diametrically opposed, and their general endeavour is to draw, by open violence, all the advantage to one side. This again is closely connected with the circumstances, that, after the establishment of great manufactories, the number of the masters has very much decreased in proportion, and that of the workmen greatly increased ; and that partly through the fault of

the legislation, which favors monopoly—an artificial state of things; and too great a population has been produced. Thus the working class amounts, in Manchester, to 64 per cent. of the whole population

Salford,	„ 74	„
Bury,	„ 71	„
Ashton,	„ 81	„
Staleybridge,	„ 91	„
Duckenfield*	„ 97	„

In spite of this enormous disproportion, the individual workman feels himself weak and helpless in his isolation, and very naturally looks for a powerful support in UNIONS, as the law allows them in general; and it is difficult to prove and to punish what may be illegal in their proceedings; at all events, the hope of gain outweighs, in this case, every fear of probable punishment.

When the workman compares the labours of his life with the enjoyments of the life of his master, when he sees the contrast between the poor and the rich, which is still further heightened by taxation, he but easily conceives the idea that the original equality must be restored, and that a contest of the poor against the rich is natural and just. The object of the unions of the workmen formed in England,

\* Report on the Education of the Poorer Classes, 1838, vol. vii, p. 5.

Scotland, and Ireland, was declared to be to secure what they considered as adequate wages for their labors, and a superintendence over the master manufacturer, so far as was necessary for the attainment of this object. Without such a union\* (said the cotton yarn spinners), the master manufacturers reduce our wages to the very lowest rate; whereas we require a fixed and sufficient income. When capitals and the income arising from them every where increase, why should we alone have no share in the profits of trade, and remain constantly in our miserable situation?—why should we not claim a small part of the enormous profits, and defend the rights of labour against the rights of capital?

Less share in the unions is taken by the handloom weavers, whose homes are more dispersed, and respecting whose situation a very interesting report was published last year. Their condition, which is generally unfavourable, depends on skill, bodily strength, on the greater or less demand, on high or low prices, and is affected, above all, by the superiority of the machines over the hand looms. Many were too wedded to this old mode of working, or (spoiled by the old poor laws) averse to exerting themselves. Others again live better by gain-

\* Report on Combination of Workmen, 1833, Edinburgh Review, lxvii.

ing nine or ten shillings a week, than coal-miners and workmen in the factories with thirty or forty shillings. While the latter indulge in eating and drinking, and frequenting the public-houses, the handloom weaver lived in quietness with his family, and was satisfied with his domestic enjoyments and independence. I cannot here examine the plans for improving their condition by education, emigration, taxes on machinery, a change in the corn laws, &c. I return to the trades' unions.

When the above, or similar arguments and demands met with no encouragement, many unions persevered in patient moderation and negative resistance. Others extended their means and their objects. The principle of universal suffrage, equal right of voting in the unions, seemed quite natural, and was very enticing: all the business soon fell into the hands of a few select persons, who exercised despotically their newly acquired powers. In consequence, many unions laid down the following principles.

I. Nobody shall work in a manufactory who does not belong to a union.

II. The union determines the number of workmen and apprentices whom a master-manufacturer shall employ.

III. It fixes the amount of wages, and the number of working hours.

IV. It nominates overseers, to maintain and execute all its resolutions.

V. It decides what contribution in money every one has to pay, what punishments are to be imposed for the infraction of the resolutions.

VI. It orders, in case of necessity, a suspension of all work.

With the increase of power, the demands, difficulties of admission, the amount of contributions, the persecution and punishment of opponents, increased. Thus the sum to be paid, merely for admission into the union, rose to five,—nay, even to seven guineas; and the weekly contribution from half-a-crown to five shillings,—nay, even to half their weekly wages. These receipts served to defray the expenses of management and of occasional law-suits; the establishment and payment of favourable journals, the indemnification of sufferers, the reward of the obedient, the expenses of voluntary, or compulsory emigration, and especially the support of those, who, in consequence of a strike, were without means of subsistence.

Many master-manufacturers listened to equitable demands, others were ruined by excessive concessions, and others formed similar unions among themselves,

and endeavoured, through them, to compel refractory workmen to order. It is certain that at the long run there cannot be an increase of daily wages, unless the profits of the manufacturers are very high, or means are found to manufacture at a cheaper rate, or to sell goods at higher prices. It is remarkable, that the most active and dangerous unions\* were originated and directed by those who received the highest wages. By a reaction, however, the most incompetent, the idlest, and the worst paid, endeavoured to obtain entirely equal payment, and thereby to prejudice their more skilful and diligent fellow-workmen. Sometimes, however, an apparent reduction of the wages may in truth include an increase; namely, when the workman is enabled to gain more in a shorter time. Thus, for instance, in the year 1829, a spinner produced 312 lbs. at 4s. 1d. a lb.; at a later time, he obtained only 2s. 5d. a lb. but in the same period, produced 648 lbs. In the first instance he gained, at higher wages, 1274 shillings. Now, with nominally lower wages, he gains 1566 shillings. As an example how much the workmen endeavoured, in some instances, to raise their wages, it is stated, that in Lanarkshire they demanded, instead of eighteen shillings a week, thirty-five; and for this,

\* Report of the Constabulary Force Commissioners, 1839, vol. xiv.



would work only three days, and only four or five hours a day.

However natural and useful the opposition might be, in individual instances of avaricious and covetous manufacturers, a general interruption of work was injurious to all parties. Many thousands, thrown out of employment, expended all their former savings. The Glasgow Union spent, in the last months of 1836 and the beginning of 1837, £11,881; out of which, £978 were for newspapers alone. The total loss was estimated at £194,000. Similar circumstances took place in Lanarkshire and Preston. When, as in Staffordshire, the result was favourable to the workmen, they used again to increase their demands\*, or to waste what they had gained, or to shorten the time of labour.

With the distress that arose from the suspension of labour, the violence of the means employed increased in several places. Oaths were demanded, and taken, to obey the resolution of the majority, even in illegal matters; to conceal the names of the leaders and participators, and to chastise those who worked. Nay, by command of chosen, secret committees, vitriol was thrown in the face of some persons; mills were burnt; and even assassins hired and paid. The legal proceedings instituted in conse-

\* Journal of the Statistical Society of London, 1838, p. 38.

quence had little or no effect, because nobody would appear as a witness; and those who were condemned were amply indemnified from the common fund.

By degrees, however, it became evident to all, that the existing evils were not destroyed, but greatly augmented, by this unhappy internal warfare. All free labour—all undisturbed employment of capital was stopped, and the tyranny of the unions was more fearful than that of ill-disposed manufacturers.

For weighty reasons, even O'Connell himself opposed these abuses; while Owen encouraged the unions\*, and the chartists endeavoured to connect them with general revolutions.

The suppression of the unions has not removed the existing evils: on the contrary, the testimonies to their great and fearful extent become more and more urgent. Many witnesses may, perhaps, in their grief at manifold proofs of degeneracy, have laid on the colours too strongly; yet truth is certainly at the bottom of their depositions. Thus, a Mr. Allison said†, I am convinced that there are many thousands in Glasgow, as complete heathens as the Hottentots in Africa, and intoxicated from Saturday evening till Monday evening. It would be well to provide the people with some kind of recreation, in order to

\* Statistical Journal, l. c.—Quarterly Review, cxxxiii, p. 181.

† Report, 1838, vol. viii. page 186.

draw them away from gin-shops and houses of that description. The too strict observance of the Sabbath does more harm in this respect than good ; and I believe that the custom of the continent is to be preferred to that of Scotland. The reduction of the duty on spirits has increased the consumption of them, and the number of public-houses ; yet a diminution of the latter would not lessen immoderate indulgence in spirituous liquors, &c.

The Quarterly Review, in generous and sympathising indignation, exclaims—these countless multitudes, in themselves ignorant and irritable, and yet more excited by oppression and neglect, are in fact given over, without any struggle and resistance, to the intrigues of infidels and democrats. The school, the church, and the law, must do their duty, and instruct and protect those to whom neither riches, nor social position, nor knowledge, have given a bulwark against tyranny and error.

## LETTER X.

Socialism—Chartism.

*London, July 21, 1841.*

TWO subjects of very great importance are closely connected with those treated of in my former letter ; namely, Socialism and Chartism. You know the system of the well-meaning Owen, who would dissolve and annihilate all that has educated, or regulated and bound together, the human race for thousands of years, to introduce instead a state of things alleged to be infinitely better ; but, in truth, impracticable, and therefore much worse. Of the bonds of marriage and of family, of the administration of justice and government, of the school, and the church, the state and the magistracy, he exhibits only the reverse, ridiculously caricatured, takes offence at every thing, sets up mere abstractions as his idols, denies the existence and the value of all general and particular qualities or properties, rejects all positive religion, substitutes for it some trivial principles, and would destroy all towns and villages, to settle mankind in small separate communities, and in spaces mathematically planned out.

This Utopia, described in the minutest details, recommended with good-natured credulity, might be compared with similar reveries, down to the *Histoire des Sevarambes*, which have passed harmlessly over, to the amusement of those who happened to become acquainted with them. The matter, however, assumed a more serious form, when the Bishop of Exeter\* shewed, in the House of Lords, that Owen and his partisans formed a great society, which had its chiefs, missionaries, taxes, pamphlets, newspapers, &c. Their principles, he said, were equally offensive and absurd, contrary to religion and morals, and ought to be opposed by the government and laws.

Lord Melbourne replied, that many useful societies have been established by similar means and forms in a legal manner — that it would be very difficult to introduce a superintendence over them, or a change in the existing laws—and that long discussions or serious persecutions might only increase the evil. The common sense of the people, and the influence of the clergy might, and would, more effectually oppose it than the civil magistrate and the court of justice.

Allied to socialism, and yet essentially different from it, is chartism. The former is founded on the superficial speculations of a single, well-meaning man; the

\* January, 1840. Hansard, li, 513.

latter springs up in a thousand places, in consequence of existing evils, or deeply seated misunderstandings, and, in bitter revolutionary anger, arrives at the cold-blooded resolution, to cast out Satan by Beelzebub, the chief of the devils. It avails nothing to abuse these doctrines, or to refute them theoretically. On the contrary, the foundations and the evils, the distress and misery, the selfishness and arrogance, from which they irresistibly spring, must be combated and done away with. On their own ground, the chartists cannot be refuted, like Babeuf and his arguments at the time of the French revolution.

“ We are robbed,” say the Chartists\*, “ by the nobility and the government ! Death to the privileged classes and the aristocrats ! Up with a popular government. So long as the working classes are not represented in Parliament, and take no part in the elections, they are not bound by the laws. A murderous majority of the upper and middle classes robs us of our profits, and nothing can convince those tyrants of their folly but powder and ball. Do not engage in any further discussion with them. A man can die but once for universal suffrage, annual parliaments, the ballot, and the abolition of white slavery.”

\* Annual Register, 1839, pages 68, 73, 138, 145

The demands are for the most part absurd, the means pointed out condemnable ; but, with this certainty, the greatness of the dangers is only placed in a clear light, not removed. It has been justly remarked, Chartism refers less to knowledge\* and theory, than to knife and fork, and bread and cheese. The unemployed, ignorant, excited, distressed multitude is dangerous, when it is unacquainted with the precepts and consolations of religion. It is often doubly dangerous when it takes the Bible in hand, and discovers in it, by mis-interpretation, a confirmation of its democratic and anarchical views. In no country in the world is there such a striking contrast, so defined a partition, so easy and fearful a comparison between the rich and poor, as in England. The latter have nothing to lose ; they can only gain by changes and revolutions : hence to them they are welcome. With a far-spread discontent, arising from external necessity, they combine a lively sense of civil and political rights, a feeling of hopeless suffering of wrongs, which gives a doubly formidable character to the movement of the Chartists.

When Sir W. Molesworth, in July 1839, presented what was called the national petition, signed by a million of persons ; he developed the dark side of all

\* HANCOCK, xlviii, 842.

these relations. In addition to the above-mentioned demands, the Chartists required the abrogation of the New Poor Law, the diminution of their burdens, the imposition of an income tax, &c.

Lord John Russell observed, "The means by which the petition has been produced are blameable, and the language and representations call to mind the worst periods of the French Revolution. The adoption of the proposals made would avail nothing, but probably ruin every thing. It is an error," continued Lord John, "to suppose that the permanent happiness of a state can be established merely on any distribution of political power by any kind of representation. No form of government is able to put an end to all fluctuations of agriculture, trade, commerce, &c. and in every country there will always be a number of persons who suffer distress and deserve compassion."

A majority of 235 to 46 rejected the motion to enter into a discussion on the grounds of this petition. Thus the Chartists are rejected by the Parliament, and their meetings forcibly suppressed. They are odious, not only to the great and rich, but to the vast majority of the people: they, however, still exist as numerous as before, and more powerful, through temporary moderation, and joining the Tories, certainly not to support their conservative views, but in the hopes of driving things to extremes.



It is not by arms, not on the ground of formal political rights, that this battle must be fought ; but by judicious poor laws, by sound intellectual and religious education, and a reform in the system of taxation, which undoubtedly lies heavier on the poor than on the rich. Before I take these matters into consideration, I will communicate, in my next letter, many points relative to the penal laws, crimes, and punishments, which may serve to illustrate what I have written to-day.

## LETTER XI.

**Criminal Law—Crimes—Punishments—Number of Criminals—Decrease of Crime—Ryan on Prostitution, refuted—The Silent System.**

*London, July 22, 1841.*

**EXTREMELY** careful investigations have been made of late years into the criminal law of Great Britain\*, and many improvements effected; yet even official reports agree, that the confusion is so great, and a mass of laws, without plan and system, so heaped upon one another, that it seems to be necessary to draw up a new general code of criminal law. The proceedings in the Courts of Justice are too complex and expensive, and so burdensome to the witnesses and jury,—nay, even to the criminal, that essential ameliorations must be made in them also. “Especially, it is advisable to introduce a summary process for trifling offences; for instance, petty thefts, to leave to the judge the decision and punishment†, without the co-operation of the jury. This, indeed, is considered as a departure from the general mode

\* Fourth Report on Criminal Law, 1839, vol. xix, p. 9.—Reports for 1840, vols. xxv, xxvi.

† Third Report from the Commission of Criminal Law, vol. xxxi.

prescribed by the constitution ; but it is justified by the abridgment of the time of imprisonment, and the lessened moral contamination of the offenders."

An extraordinary number of crimes of another kind is caused by drunkenness ; thus, for instance, in Glasgow, out of 7687 persons accused, 3000 were taken up on a charge of intoxication. Again, these excesses may be traced, in a great measure, to a lamentable want of education and instruction. On an average, there were among the criminals\*,

33 to 35 per cent. who could neither read nor write,

53    "                   "                   badly,

10    "                   "                   well,

Only   $\frac{1}{4}$     "   had enjoyed a superior education,

  "   $2\frac{1}{4}$     "   could not be ascertained.

The chance of any prisoner returning to, or adopting an honest course of life, amounts to nothing. Five or six thousand, who remained in the country, were arrested more than four times : hence the transportation to Australia has still many zealous advocates ; partly, because this banishment deters from crime, more powerfully than imprisonment ; partly, because the persons transported more frequently have the power and the opportunity to amend their course of life.

\* Report 1839, in the Reports, 1840, vol. xxxviii.

From 1814 to 1820 were transported 12,043

„ 1823 „ 1827 \* „ 13,052

„ 1828 „ 1834 „ 29,098

This last increase was chiefly owing to a change in the laws. In the year 1838, there were transported from England and Wales - 3735

Imprisoned for two or three years 25

„ from one to two years 393

Whence it appears that much shorter periods of imprisonment are usual in England than in many other countries. In 1837 again, capital punishment in many instances was abolished, and retained only for the greatest crimes, such as murder; assault, with intent to inflict grievous bodily harm; robbery and burglary, with the infliction of severe wounds; arson in ships and inhabited houses; false signals to cause shipwreck, &c.

There were executed † Persons.

1831 - - 50

1835 - - 34

1836 - - 77

1837 - - 8

1839 - - 10

From 1829 to 1833 - 259

„ 1833 to 1838 - 99

\* Third Report, vol. xxxi, p. 8.

† Reports, 1839, vol. xxxviii.

			Persons.
1831	one out of	-	267,000
1835	„	-	437,000
1836	„	-	832,000
1837	„	-	1,903,000

This decrease in the numbers originates partly in the mitigation of punishments; partly in the fact, that crimes against the person have, on the whole, become less frequent, while those against property have increased. The last circumstance is, perhaps, naturally and necessarily connected with the increased difficulty of finding constant and profitable employment, and of procuring the necessaries of life, such as bread, clothing, and fuel. It is therefore very difficult to form a well-founded opinion on the greater or less degree of morality, during a long period; and still less can a general conclusion be formed respecting the morality of the people, from the difference of single years, but rather a presumption of changes in the administration of justice.

In 1831 were punished for robbery, - 297

1837 „ - 158

The number of persons accused of forging bank notes, amounted in 1817 to several thousands. After the abolition of capital punishment in the year 1836, it fell to 233. Theft alone amounts to 83 per cent.

of all crimes.\* The number of crimes is, therefore, greater in the towns than in the country districts†. It is affirmed that the authorities know, as suspicious and equivocal characters,

Of the entire population—

In London,	one out of	89
Liverpool,	„	45
Bristol,	„	31
Bath,	„	37
Hull,	„	67
Newcastle-on-Tyne	„	27

Such indications are, however, always deficient of satisfactory proofs. In 1839‡, compared with 1838, 1356 more criminals were brought before the tribunals. Increase and decrease appeared in the towns as well as in the country, and cannot, therefore, enable us to distinguish a prevailing contrast of the places of abode, and the employment of the criminals.

In 1840, were brought to trial,

Adults	20,178 males, 5009 females
Younger persons	2,870 „ 570 „

Total, 23,048 males, 5579 females ;

\* Statistical Journal, Oct. 1839. According to the Quarterly Review, No. cxxviii, p. 348, 72,000 persons were hanged for theft during the reign of Henry VIII. which proves at the same time the severity of punishments, and the very great amount of crimes with a much smaller population.

† Reports, 1838, vol. viii, p. 168.

‡ Reports, 1840, vol. xxxviii.

28,627 were summarily punished for smaller offences.

There were under 12 years of age, 837

„ 12 to 14 1521

„ 17 5009

In the last four years, 41 per cent. of all criminals were not above twenty-one years of age; the number of all under thirty years was 71 per cent. The worst of the older criminals had already been sent to Australia. The youthful criminals were, for the most part, led astray by worthless parents and relations.

In a Report on Prisons of 1838, the following general assertion is made\* :—“ The crimes committed now-a-days are of a much less heinous character than twenty or forty years ago; and their entire number has greatly diminished, in comparison with the more numerous population.” A still more striking statement is given in Leigh’s New Picture of London (page 17):—“ In the first year of the reign of George II. the capital was dreadfully molested by robbers, who went about the streets in broad daylight, and, but for an accidental circumstance, would have robbed the Queen herself returning home from the city.” I will not repeat what I have already said in my former letters against rash and false conclusions, which are so easily drawn from

\* Reports, vol. xxxi, p. 5.

a consideration of crimes and punishments in different countries. I will only give an example of the justice of my animadversion or warning. Mr. Ryan, in his book on Prostitution, says, "there are in London 80,000 prostitutes, and 400,000 persons connected with prostitutes." These numbers are merely imaginary. Does Mr. R. think that bakers, shoemakers, tailors, &c. who sell any thing to those women are, therefore, connected with prostitution? He might as well say the same of a clergyman, whose sermon they have heard. Such loose talk avails nothing. A simple calculation will show the falsehood of the fearful number of 80,000.

London has almost 1,600,000 inhabitants, of whom 800,000 are males, and 500,000 girls and women too young or too old for seduction; so that of the remaining 300,000, more than one in four would be a prostitute.

Let us see what the General Official Reports state.

There are in London,

Houses in which such persons are kept,	933
„ which they frequent	848
„ in which they live	1,554

---

Girls who never quit such houses, 813

„ well dressed in the streets, 1460



Girls of a lower class . . .	3,533
Others, who occasionally fall into this error . . .	500
	<hr/>
	6,300

If we say 7,000, there would be only 1 in 43 of the younger females, or 1 in 114 of the whole number of females, who follow this way of life. If a few hundreds may gain and spend a great deal, the majority are certainly very badly off, as is evident from their mean dress and often bad appearance; and yet Mr. Ryan affirms (what an invitation to a dissolute life!) that they gain annually 8,000,000 sterling, or about \* 55,000,000 of dollars. This, if we allow the number to be 10,000 (instead of 7,000), would make 5500 dollars per head.

Without much exaggeration, the evil is great enough in London, and in proportion greater in Liverpool; for which reason, societies are very meritorious which endeavour to do good by the seizure of immoral books, closing the worst houses, improving the penitent, and curing the sick.

Though the most complete information respecting the prisons, and treatment of prisoners, is to be found in the works of persons fully acquainted with the subject, I will not wholly pass it over, but men-

\* Equal to the whole public revenue of the Prussian monarchy.

tion the various opinions entertained respecting it. During my first residence in England, I heard of the silent system, as it is called, every where praised; according to which, criminals are condemned, during the whole time of their punishment, to absolute silence; and their constant obedience to this command is reckoned an essential evidence of their improvement. At that time I had already some doubts of the expediency, and the severity of this method, which enhances the legal punishment; but my objections were declared to be futile. Now, after longer experience, public opinion is changed, and accords with my former notions and feelings.

In the Second Report of the Inspectors of Prisons for 1837 \*, it is stated in general, "we are able to prove that the silent system is burthensome and complex in its application, not adapted to the end proposed, and, in respect to its utility, dependant upon circumstances which cannot be every where produced, and on which we cannot rely. Besides, together with its good tendency, it has others which are dangerous, or useless; nay, while its advantages are only uncertain and accidental, its defects appear to be necessary and unavoidable. It imposes on the prisoners a very severe and useless punishment, and may perhaps merit praise, only in comparison with

\* Reports, vol. xxxii.

old and very bad arrangements. A reciprocal understanding by signs, whispers, &c. cannot be hindered, and persons who are only arrested, but not yet condemned, and perhaps quite innocent, suffer the most, and are frequently punished for transgressing this order. In one of the best-managed prisons, there were inflicted, in 1838, 5138 punishments.

In a second „ . 6794 „

In a third\* „ . 12,445 „

In a fourth „ . 13,812 „

It is improper, and injurious to health, that the punishment frequently consists in deprivation of food, and that, to save expense, individual criminals are appointed as superintendents over the others. “The oldest thief,” said an officer, “makes the best inspector;” but excitement and hatred naturally arise among the prisoners against these persons.

The silent system cannot be carried into effect without the application of means, which are evidently contrary to the spirit of the constitution, and to the first principles of a good administration of justice. The prisoner sees that the deprivation, which is the most burthensome to him, is by no means imposed by a legal sentence. Hence his mind is irritated, he has a sense of injustice, forgets his transgression, and loses a due sense of his

\* Reports, 1838, vol. xxx, p. 392.

guilt, which closes the door against every exhortation, and makes the endeavours of the clergy hopeless and inefficacious. The prisoner feels neither the presence and power of the law, nor the consequences of his own misdeeds; he sees and feels nothing but the uninterrupted effect of tormenting regulations.

In another Report for 1838\*, the arguments against the silent system are again discussed, and the following important remarks are added:—the criminal is now well-clothed, well-fed, and well-lodged; and in the society which is most congenial to his inclination and habits. In the day-time, his work, if he has any, is often lighter than that of the honest day-labourer or peasant; his food is often better, his recreations more numerous, his cares less. At night he goes early to bed, and enjoys more comforts than they do; in the morning he rises without a thought for the wants of the day, as he is supplied, regularly and sufficiently, with every thing needful; by these arrangements the indifference and carelessness peculiar to criminals are increased. In his almanack there is no such day as to-morrow.

Partly from being tired of the silent system, the praise was transferred to the system of separation, by which every criminal is to be confined in a different cell; but even the greatest panegyrists of

\* Report, 1838, vol. xxx, p. 3.

this system cannot conceal from themselves that a rapid introduction of it would require immense sums of money, new buildings, and a change in the laws, regulations, arrangements, and punishments; but, before all these obstacles and difficulties could be in anywise removed, the zeal for the system of separation has greatly cooled, and often changed into censure. In the first place, it is evident that most of the objections against the silent system are applicable to the solitary system; however, it might at least be supposed that this seclusion would prevent all communication and connection. That this is not the case, and that other evils arise, appear from the following remarkable and unlooked-for testimony.

An Official Report of the year 1838\* says, "nothing can be more erroneous than the idea that the separation of the cells, and the prohibition of all communication, place the prisoners in gloomy and comfortless solitude. In fact, the evil takes quite another course; for, notwithstanding all our laws and precautions, the most extensive intercourse is effected. The prisoners communicate their histories to each other, conclude friendships, become at enmity, and mutually annoy each other, by their communication."

\* Report on Criminal Offenders, vol.s. xlii and xliii.

In the Fourth Report on Prisons for 1839\*, it is stated, "the idea has not been realised that complete solitude contributes to moral improvement; on the contrary, a concealed and profound hatred against civil society is engendered, secret vices increased, even madness has been the consequence, and mortality has augmented. A wicked man left to himself never improves by solitude; he rather delights in the retrospect of his former sins, and the projecting of plans for new misdeeds. Notwithstanding the enormously large sums which have been expended in North America for the introduction of the solitary system, the object has not been obtained. In spite of the complicated and artificial arrangements of the buildings†, communications by tones and sounds have

\* Reports, vol. xxii. See England in 1835.

† The new jail at Glasgow, under the admirable management of Mr. Brebner, appears to me to combine the greatest advantages. The cells are all arranged on the two sides, and in the centre there is an open space through all the stories. In each story there is a gallery running along the cells. One man can overlook all the stories, and the chaplain speaking in the central space is understood by the prisoner in every cell as soon as a window in the door is opened. From August 1838 to August 1839, 1,128 men and 969 women were imprisoned, most of them for one or two months. 991 were sentenced for stealing, and 219 women confined for a time as vagrants and for breaches of the peace.

The same principles are adopted in the model prison now building in London. So much care is taken for warmth, constant ventilation, space for exercising in the open air, the size and cleanliness of the cells and mattresses, the introduction of water through pipes into every cell,

not been prevented ; the system therefore makes little progress : whereas the silent system is more easily

&c. &c. that millions of innocent people are far worse lodged and supported than criminals are here ; and even kings and princes are without many of the conveniencies here provided.

I subjoin to these observations that of a well-informed friend. The jail in Glasgow was founded in the year 1824, and it has been enlarged by a new wing, which has been occupied since the beginning of this year. The older part of the jail, consisting of two wings, which is much more costly and not so well arranged, is no less interesting in respect to the solitary system than the new wing ; for that system was introduced in the old portion earlier than in America, and has been retained till this time, so far as it can be judiciously carried into effect. But neither in this nor in the new part of the prison is there such severe discipline as is stated to exist in the American prisons. The only thing which too much resembles the Pennsylvanian theories, is in the new wing, the sermon in the gallery. Brebner affirmed indeed, that every prisoner can hear and understand, in his cell, the clergyman standing at one end of the gallery, and speaking in a loud and distinct voice : but if we allow this, it is much to be doubted whether the prisoners will choose to hear, and whether some of them will really take the trouble to stand at the opening in the door, so that the divine service performed in this manner shall have any moral effect upon them. Superintendence of the prisoners during the service is not possible in this manner. For the rest, this institution is much to be commended for a great variety of employments, and, in general, sound judgment in the management.

In the model prison building in London, the hope is entertained to approximate to the much-praised American strictness of the solitary system ; though the practical sagacity of the general inspectors has already thrown aside much of the merely theoretical doctrines. This prison is fitted up with an economy rarely met with in England. In each of the 500 cells, it is true there is a contrivance by which the water necessary for washing and drinking is conveyed to the prisoner, and also a good water-closet ; but this expensive arrangement is not made for the greater convenience of the prisoner, but to give to the whole institution the salubrity which, according to English notions, is indispensable. In the older English prisons, these arrangements are generally not found, yet immense expense is often lavished in them on less useful matters.

applied, and certainly cheaper. When one hundred and forty-six to two hundred and eighty-six dollars were expended for the latter, the solitary system required 978 to 1648 dollars. A letter from Boston says, "in the prisons which are built according to Hoviland's improved solitary system, there is nothing but jabber, jabber, jabber. Nobody can tell whence the jabbering comes, and the inspectors confess that they cannot hinder it. With the silent system there was more quiet, order, and activity."

So many ineffectual attempts and conflicting opinions must not make us fall into inactive despondency; for if the evils can never be wholly remedied, and constantly re-appear in another place, and under another form, it is doubly necessary to investigate, and to acquire a knowledge of the mode of treating them. Let us beware of proposing and executing, from inconsiderate predilection for any system, or from false philanthropy, measures which cost immense sums, heavily tax many honest people for the sake of a few rogues, and so exhaust our resources, that more necessary objects are on that account entirely neglected. Every one naturally prefers his own plans and object; but the government has to regard equally all plans and objects, and make them harmonize one with another. Every system carried to excess leads to partialities,



absurdities, and follies\*, each comprises elements of truth and order. England gives sufficient proofs of this by her long series of experiments. In spite of all the gradual ameliorations, the expenses of the buildings, maintenance, superintendence, &c. are still very high, even for this wealthy state, though the total amount of them cannot be exactly given, or at least is stated very differently †. The daily ex-

\* The following are some observations of an intelligent friend. According to my judgment, this cannot be rightly conceived, without an entire renunciation of the idea of improvement of the prisoners. But if we have once got rid of this erroneous belief, we have the far more simple, and certainly more easy, task of confining the prisoners individually in such a manner, that they cannot mutually corrupt each other. For this purpose, the constant solitary system for one portion, for another the silent system, with separation at night, both applied in a judicious manner, are not only sufficient, but certainly may be employed with great advantage. A third portion of the prisoners, in my opinion the largest, requires neither isolation nor silence, nor a too rigorous superintendence; it consists of those whose passions are vehement, and of the weak-minded.

How the youthful criminals, and the children of criminals, shall be disposed of, and how the latter shall be treated, is another, and, in my opinion, a much more serious question. It has hitherto been scarcely touched upon; and in England less attention has been paid to it than on the Continent, especially in Germany. In England, a class might be formed of infant criminals, on which the Christian zeal of Ladies' Associations would have a more beneficial effect than on the class of hardened transgressors. It is certainly a defect in the legislation, that children of eight years of age may be thrown into prison, and those of twelve to fourteen condemned to transportation. How this defect is to be remedied, and what is to be done with the children, is a new problem for ingenious system-makers. Unhappily, it is not doubtful, that their rash zeal will cause confusion enough in this matter also.

† It is justly observed, that moderate sums expended for schools

penses for one prisoner, in the prison for debtors \*, amount to 5s. 5d. In others they have fallen to five-pence, and in some they are entirely defrayed by the work of the prisoners. In Scotland, where the most careful administration seems to exist, the daily expense for a prisoner amounts to 1½d. up to 4½d. and the weight of the food rises from sixteen to thirty-six ounces. The annual expense for a prisoner is estimated at £10 9s. 6d.

Disputes about the proportion of crimes in England and Ireland are generally carried on with great vehemence, and often only to hinder or to forward certain political objects. From the conflicting statements, the true result may be, that in England more crimes are committed against property; in Ireland, against the person; that is, more breaches of the peace, affrays, malicious attacks, wounding, &c.

According to one statement, there were†,

Inhabitants.

Sentences of death in Ireland, 1 in 46,000

„ „ England, 1 in 26,000

'Transportation in Ireland, 1 in 8,500

„ „ England, 1 in 4,500

The Dublin Review for January 1839, defending

would have produced the noblest fruits, and greatly diminished the enormous expenses for criminals and prisons.

\* Reports, 1840, vols. xx, xxv, and xxvi.

† Annual Register, 1839, p. 53. Edinburgh Review, lxvi, p. 242

Ireland, affirms that in 1837 there was in England one condemnation to eight hundred and thirteen ; in Ireland, to eight hundred and twelve of the population. But if we set aside the petty transgressions in the two countries, we find one great crime in England in 2,220 inhabitants, in Ireland in 3,267. I am the less able to examine and discover the truth of these assertions, because the number of crimes in some Irish counties is in proportion very great, in others very small. In Ireland, poverty, religious excitement, the position of the higher and lower classes, and many other circumstances, have an influence on the nature and number of crimes ; but of this, more in another place ; to-day I add some particulars respecting London.

In 1837 there were arrested\*.....64,416

Discharged by the magistrates, about 33,000

In the total number there were, men 42,494

      "      "      "      women 21,922

Intoxicated men..... 14,021

      "      women..... 7,405

Loose women..... 3,103

Common thieves..... 8,094

Of the 64,416, there were,

Men..... 15,463	} Who could neither read nor write.
Women.....13,033	

\* Statistical Journal, 1838, p. 97. Reports, 1839, vol. xiv.

The greater part of the accused and sentenced were between twenty and twenty-five years of age.

The police for London and some places in the neighbourhood, exclusive of the city, costs about 280,000*l.* or 3*s.* 8*d.* per head for a million and a half of people. Of this sum, the government pays one quarter, the metropolis three quarters. The London police\* does not, however, perform only that service which is generally assigned to it, but likewise undertakes the duty of gens-d'armes and watchmen.

It consists of

17 chief inspectors, with an annual salary of 200*l.*

70 inspectors, who receive weekly £1 18*s.* 6*d.*

342 serjeants                „                „                1   2   6

2977 constables            „                „                0   19   0

That the City has retained its old defective, expensive police establishment, and not joined the better metropolitan institution, is an instance of pertinacious and prejudicial adherence to antiquated regulations. If a thief runs down the Strand and through Temple Bar, one of the city aldermen must back the order of the metropolitan police ere a further pursuit can take place.

There is but one opinion of the advantages of the metropolitan police ; yet a more accurate distinction

\* England, ii, letter 33. Edinburgh Review, lxvi, p. 358.

between police and judicial matters, better and separate places for the prisoners, are wished for; nay, there are some who urge a greater centralisation, and the establishment of a department of police, independent of the Home Department.

As the City, properly so called, has its distinct police, it has also a very peculiar constitution\*. It had eighty-nine companies or guilds (some of which are abolished), with freemen and liverymen, whose civil rights differ in some points from each other. Every guild is nearly independent, and not subject to any superintendence. Not all householders are freemen. These enjoy an exclusive right to certain trades, and exemption from certain taxes. There are three magisterial authorities: the Lord Mayor and Aldermen, the Court of Common Council, and the Common Hall. Twenty-five aldermen are chosen for life by the householders who pay certain taxes; the government and administration of justice are vested in their hands. The Court of Common Council consists of the aldermen and two hundred and forty common-council men, who are elected in a similar manner. It has the superintendence of coinage, management of the city estates, bridges, navigation, &c. and issues ordinances on those subjects.

\* Report about Municipal Corporations, 1837, vol. xxv.

The Common Hall consists of the aldermen and liverymen, and nominates certain officers. As all elections are distributed in the same manner among the wards, differing in extent and population, the political rights must be greater in some and less in others. The Common Hall annually nominates two of the aldermen who have filled the office of sheriff, one of whom the Court of Aldermen returns for Lord Mayor. His salary amounts to 8,000*l.* per annum; but he is always obliged to expend more. Complaints are made of the complicated duties of many secondary authorities, as well as of the too great number and arbitrary conduct of many higher authorities. It is considered as blameable that a number of circumstances co-operate to disgust the higher classes with any participation in the government of the city, and to throw it into the hands of the inferior.

The revenues of the city amounted, in 1834, to about 147,000*l.*; namely,

From landed property..... 49,000*l.*

„ market tolls... .. 77,000*l.* &c.

and from these the expenses of salaries, the police, prisons, bridges, &c. are defrayed.

It is surely to be expected that the citizens will soon agree on a modification, and simplification of this constitution. Existing evils appear intolerable only

when preponderating hopes\* are thrown into the opposite scale.

\* In the Reports for 1840, vol. xii, there is satisfactory information relative to the great plans for the improvement of London, part of which have already been executed.

## LETTER XII.

Poor-Laws in England—Advantages of the New Poor Law—Diminished Expenditure under the New Poor Law—Unions—Complaints and Answers.

*London, July 23, 1841.*

AFTER writing on some of the evils and sufferings which exist in England, and at least alluded to others,—for instance, the distress of many workmen in the factories,—it is necessary to enquire what has been done to remedy them, by poor-laws, education, and alteration in the system of taxation.

Let us begin with the poor-laws. In my letters of the year 1835\*, I described, so much in detail, the ancient institutions as well as the motives and the substance of the new ones, that it is unnecessary to repeat what has been already said. But it is instructive to hear what form opinion has taken of late years, and whether the new institutions have corresponded with the expectations which were entertained of them. Since the general oppression of greater evils, which induced the majority to desire their abolition, has in a great measure vanished, attention is now directed, with double energy, to the defects and desiderata of the new law. The most violent

\* England, i, letter 15.



complaints have been made, both in and out of Parliament, though, properly speaking, nothing was alleged which had not been already mentioned and refuted on the enactment of the law\*. The new law, it is said, is a cruel, heartless, selfish, unchristian law, made only to dispense the rich from payments to which they are in duty bound, and to rob the poor of their just claims to indispensable support. The saving is much less than was prophesied and expected. It can only be attained by harshness and injustice, and will therefore soon entirely vanish. In the place of a free existence, the prison of the union workhouse is substituted; and for local authorities, the intolerable, tyrannical power of officers who are strangers, and live at a distance. The old salutary self-government of the parishes is undermined by the great unions, and by the interference of heartless commissioners. He who deprives the people of their self-government, and introduces central boards, acts in opposition to English manners, rights, and feelings; and the poor would rather starve than separate from their families, and suffer themselves to be confined in those English bastiles, the workhouses or houses of correction. While the commissioners prove to a workman that he can subsist on six shil-

\* England, vol. i, letter 15.

† Hansard, 1837, xxxvi, 986—1088; xxxvii, 604; xliii, 46; xlv, 482, 654; xlvii, 188; xlviii, 1340; xlix, 249; liv, 835.

lings a week, they are themselves extravagantly paid, and occasion useless expense to the country. Tobacco, tea, sugar, brandy, (which in our days are necessaries to every body), are withheld from the poor in the workhouse; nay, religious consolation is denied them, which every one is entitled to demand, according to his conscience and his creed. If relief were judiciously given out of the workhouses, these costly tryannical institutions would be wholly unnecessary. But, unhappily, Russell, Peel, and Inglis, all join in support of these wrongs and absurdities, and thereby secure to themselves an immortality of infamy\*.

Such a union of the leaders of all parties in defence and support of the law, is of itself calculated to inspire the most favourable opinion of the measure;—let us, however, hear their arguments.

I.—Lord John Russell. Let the law be amended, but not abolished. It has reduced the poor-rates, and not compelled the poor to go into the workhouse, but rather to labour, and to be economical.

II.—Mr. Hume. The evils are diminished, the law is on the whole liked, and every body, except the ginshop-keepers, has gained.

III.—Mr. Alston and Mr. Cripps. The new poor law is the greatest benefit to the lower classes,

\* Fraser's Magazine, April 1841.

and, in the end, they too will profit by the reduction of the poor rates.

IV.—Mr. Roebuck. Every industrious poor man is better off than before. The management of the poor must be considered as a national concern, and therefore must not be left to the local authorities.

V.—Lord Hatherton. The law has had a most beneficial effect on the welfare and the moral character of the people, and the system of the boards and the administration has proved good.

VI.—Mr. Gally Knight and Lord Howick. Formerly even great abuses were concealed, now the very least are denounced. In spite of all declamation, nobody is able to propose anything better.—None has the courage to recommend a return to the old system.

VII.—Sir Robert Peel. The Parliament must give its moral support to those officers on whom obnoxious duties are imposed. The chief advantage of the new arrangements is, that they have improved the morals of the poor, promoted their independence, and raised their position in the scale of society.

VIII.—The Duke of Wellington. The new arrangements have exceeded all the expectations which I had formed of their salutary effects. Formerly there were in every individual parish abuses a hundred times greater than those which are now

complained of in so many petitions. I find that the administration has perfectly sufficed for the task imposed on it; and the poor-law commissioners are, in my opinion, the most important part of it. The abuses of the former management were so numerous and manifold, and at the same time so deeply rooted, that it was not possible to overcome them without a central board, which superintended the execution of the new law and took care that its enactments should be no where violated or evaded.

IX.—Lord Brougham. The sum saved is considerable, and yet the enjoyments, the situation, and the character of the working classes are improved.

These and similar arguments appeared so convincing, that Mr. Fielden's motion for the abolition of the new poor-law was rejected by a majority of 309 to 17.

Objections like the above were also repeatedly made out of Parliament, especially in some journals, and the refutations of them are equally numerous. Before I enter upon them, however, I must give some extracts from the instructive Reports of the Commissioners. Already, in the year 1837\*, it is remarked, the applications for admission into the poor-houses are not so numerous as was apprehended. The

\* Reports, vol. xxxi.

allowances\* having been done away with, the able-bodied workmen are more diligent and active, and the old, infirm, and sick, can be better provided for than before; yet great savings have already been made. The expense per head in England and Wales amounted

		s.	d.
In 1834	to	9	1
„ 1836	„	6	9
„ 1837	„	5	10

The total expenditure, 1834 £7,511,000  
 1837 4,808,000

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Decrease, 2,703,000

In England, the highest expenditure was,

	1834			1837	
	s.	d.		s.	d.
In Sussex.....	18	1	In Essex..	9	4

The lowest in

Lancaster .....	3	9	Lancaster..	2	9
-----------------	---	---	-------------	---	---

The average expense per head was

	s.	d.
1818†.....	13	2
1837.....	5	10

When the poor-house is full and a sudden stagnation in certain works and employments occurs, relief is granted out of the houses. But, on the whole, activity and wages increase, and the lower

\* England, vol. i, letter 15. † London Statistical Journal, 1838, p. 52.

classes, both in and out of the poor-house, were even at that time better off than formerly. Accordingly, Mr. Woolley\*, one of the tithe commissioners, said, "Our new poor-law has saved the country. I am quite disgusted with the cry raised against it, and especially its pretended inhumanity." Another exclaimed, "Gentlemen, you have performed miracles with the new poor-law†; you have healed the sick, and the lame have learned to walk, and the blind to see."

In the Report for 1838‡ and 1839, it is granted that individual instances of harshness and abuse occurred; but they could not be wholly avoided in such an extensive and intricate administration, and the less so, because many local, partly inadequate, arrangements were not to be attained by the new law. The poor-rates have remained, since 1834, about £2,300,000 below the former amount§; and yet the new management had to contend with very great difficulties. The two first years passed on in establishing the system. In the third, there was an unusually severe winter||. In the fourth, there was a crisis in trade and manufactures:—in the fifth, a

\* Reports, 1837, vol. xxxi, p. 45.

† Reports, 1837, vol. li, p. 16.

‡ Reports, 1838, vol. xviii, p. 28.

§ They amounted, in 1840, to £4,576,000. Seventh Report.

|| Report, 1839, vol. xx.

failure in the crops ; yet the law has proved good in practice, and has overcome the evils ; for though outdoor relief has been granted to factory workmen suddenly thrown out of employment, the pernicious system of allowances in aid of the daily wages has never been returned to.

The state of the Banks for Savings leads us to infer the improving situation of the lower classes.

They possess, in England, £ 16,177,000

Scotland, 401,000

Ireland, 1,775,000

and, with the addition of the Friendly Societies\*, a capital of £ 19,620,000. The number of contributors was, in

England, £ 544,000

Wales, 13,000

Scotland, 13,000

Ireland, 61,000

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Total, £ 634,000

of whom there were 334,000 who did not pay in more than £ 20.

The fifth very detailed report of the poor-law commissioners contains, in substance, the following statement :—a central board is now, and will continue to be, necessary, in order to obtain a general view of the state of the poor, to prevent deviation from the law, to counteract false indulgence and undue

\* Report, 1839, vol. xlv.

severity, to decide disputes, to carry general regulations into effect, &c. Their position is not contrary to the spirit of the constitution, which has likewise approved and introduced general boards for the army, the navy, the taxes, the post-office, &c. ; nor is their power too great, since in every place the rate-payers choose guardians who have now the appointment of all paid officers, and the distribution of the relief. Nay, the entire management is, properly speaking, in their hands, while the poor-law commissioners have only the superintendence. In truth, the activity and the influence of local and general boards are hereby advantageously connected.

The poor-law commissioners, who might easily gain favour by neglecting their duties, have never gone beyond their rights, nor even strictly enforced them. Sometimes it is complained that they interfere too much, sometimes too little, and they are made responsible for instances of mistakes for which very different persons are to blame. It is certain that, in former times, incomparably more arbitrary power was exercised, against which recourse was seldom had to complaint or publicity, as is now the case. But, indeed, every restriction of arbitrary power excites opposition ; and numerous interests are affected by the new poor-law, and the possibility of diverting the money intended for the relief of the



poor into other channels for the benefit of certain persons is prevented. The rhetoric of the journals and the agitators represent all these things in a false and partial light.

Thirteen thousand six hundred and ninety-one parishes, with a population of 11,841,000, are joined in large unions\*.

Seven hundred and ninety-nine parishes, with a population of 2,055,000, are not yet united.

The expenses amounted to an average annually,  
 from 1830 to 1834 ..... of . .... £6,754,000  
 „ 1834 to 1839 ..... 4,567,000

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Annual saving .. £2,187,000

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Total saving in five years, £10,935,000

On the other hand, the additional expense arising from the new arrangements (printing, correspondence, salaries, &c.) amounted to only £182,000.

The number of poor received into the  
 workhouses was ..... 98,000

The number of poor who received out-  
 door relief ..... 560,000

Of these, there were about 40,000 who were

\* According to the Seventh Report of the Poor-Law Commissioners, just published, there are still 776 places, with a population of 1,715,000 inhabitants, which are not united according to the new law.

settled in other places, and had only temporary relief.

Widows with families ..... 28,000

Old, infirm persons, and partly unable  
to work ..... 300,000

It is not true that there is less poverty in the country than in the towns and manufacturing districts. An average of many unions of both kinds shews:—

Population.	Expense per head.	Poor per cent. in the population.
Country unions, 233,000 .....	7s. 8½d. ....	8318
Town unions, 233,000 .....	3s. 7d. ....	5192
There are elected inspectors, who voluntarily undertake the office .....		16,667
Appointed officially .....		4,198
Total,		<hr/> 20,865 <hr/>

All of whom, like the electors, give, by their co-operation, an evidence in favour of the new regulations.

I will mention some points which are particularly complained of:—

First Complaint.—Little or no provision is made in the workhouses for religious instruction and the performance of divine service.

As soon as a union workhouse is established, care is taken to appoint a clergyman of the Church of England. But it is impossible to provide a separate clergyman for every individual who belongs, or pretends to belong, to a particular sect. Nay, men and women, who were permitted to go out of the workhouse on Sunday to attend, as they alleged, the chapel of their own denomination, went instead to the public-house \*, and were brought back in a state of intoxication.

Second Complaint.—The regulations respecting illegitimate children † are contrary to the laws of God and of nature.

Answer.—Infanticide has not increased. The expense of maintenance, as well as the number of illegitimate children and forced marriages, has, on the contrary, decreased.

This is the proper place to introduce the following letter of the respectable clergyman of a large parish‡. He writes: —“ I have, perhaps, more opportunities than many inspectors to form a well-founded opinion of the effect of the law on the character of the female sex in the lower classes. The good effects of these much-abused regulations have, in my parish,

\* Report, 1837, vol. xxxi, p. 38.

† England, vol. i. letter 15.

‡ Reports, 1837, vol. xxxi, p. 113.

perfectly answered the expectations that were formed. The number of illegitimate children has greatly diminished, and the conduct of young women of the lower classes has much improved. Formerly, there was good reason to suspect the whole of them of want of chastity. Whereas now, out of more than twenty-five, there are not more than three or four who are liable to suspicion. I also feel a great relief, as a clergyman, from being no longer obliged to officiate at forced marriages, on which, during the old poor-law, the local authorities frequently insisted, in order to get rid of the burden of providing for such persons. Often a man was conveyed directly from the prison to the church to be married. The handcuffs were not taken off till he got to the door. The turnkeys and jailors remained as witnesses, as I was obliged to pronounce a benediction on a union which has no meaning nor value, when a free choice founded on affection is wanting."

Third Complaint.—To confine innocent persons in a workhouse is evidently unjust, and the separation of families an infraction of the law. "What God has joined together, let no man put asunder."

Answer.—Workhouses cannot be converted into poor-houses, nor must a hope be excited in old, and still less in young and healthy people, that they need not provide for themselves and their future subsist-

ence. The inmates of the workhouse eat, drink, live, and lodge freer from care than out of it\* ; therefore there must be, in its strictness and order, and the deprivation of liberty, something repulsive, that every one may do his utmost, and not wish and require to be admitted, without real and urgent want.

It is impossible to receive men and women into the workhouse and to give to each couple a separate room. The law, what God has joined let no man put asunder, is wholly misapplied here. There is no idea of separation of man and wife ; but voluntary or legal separation takes place daily in the case of soldiers, sailors, criminals, and persons under sentence of capital punishment. Children under seven years of age are not separated from their mothers, and longer experience alone can decide whether more strictness or more indulgence will be necessary in the workhouse, to lessen the desire or the fear of admission.

Fourth complaint.—Relief is not given in propor-

\* I have visited several workhouses (for instance, that at Greenwich), and have found lodging, clothing, beds, and especially the provisions, so excellent and abundant, that millions of free men are incomparably worse off in these respects ; and all the reproaches of cruel treatment and insufficient nourishment appear to be wholly groundless. But unhappily such arguments were used in the last parliamentary election as a means to excite the people against the ministry.

tion to the necessity of the case. It ought to be graduated according to the number of the family.

Answer.—This would gradually lead to all the evils of the allowances in aid of daily wages, and a premium to idleness. A numerous family should be an inducement to prudence and exertion; but the prudent and diligent ought not to be placed in a less favourable situation. Unequal treatment appears worse, and more oppressive, than harsh treatment. Relief in the poor-house is more definite, effectual, and cheaper; whereas, out of the house, no limit can be discovered, nor is it possible even to define what a numerous family and its wants are.

These matters are no where more clearly and precisely explained than in the "Remarks on the Opposition to the Poor-Law Amendment Bill, by a Guardian" (N. Senior). The motto itself indicates the tendency and object of the book. "*Nemo tam parcus, quin prodigus es alieno.*" The poor, says the author, must be in some way or other worse off than the independent workman. But as it appears harsh to restrict them too much in regard to food and clothing, as it is difficult to find, for many more, laborious employment, the best thing is to combine relief with a restriction of their freedom, on their admission into the workhouse. This is the best proof of real

want, and a security for their endeavours to regain their independence.

At the beginning, when the evils of the old system were fresh in the minds of the public, the new arrangements were almost generally approved ; but the objections, by degress, became more numerous.

1. Because the former evils were forgotten by some, and others almost wished for their return, from self-interest, indolence, or false philanthropy.

2. Because the English are more attached to that which is ancient, than eager for that which is new.

3. Because exceptions and individual abuses were represented as the rule.

4. Because the law, and the mode of management, appeared to the aristocracy too democratical, and to the radicals too aristocratic.

5. Because it is easier to find fault than to amend, and because journals, authors, and public speakers, find more matter, and gain more favour, by pretended philanthropic opposition, than by apparently heartless, or selfish approbation.

It would occupy too much space to examine in detail all the proposals made for the modification of the present law. I will, therefore, select only one of the most doubtful, and difficult questions ; viz. whether out-door relief is not more humane and efficacious,

more natural and economical, than relief in the workhouse? The author proves that relief in the workhouse is more economical than any relief out of it, especially in regard to food and fuel. Let it be given only to the really distressed; let a check be put on unfounded demands; and let those who are used to disorder and idleness be deterred. Another result of accurate investigation is, that when parish labour is substituted for employment in the workhouse, no advantage accrues to the rate-payers; because every attempt has failed to make parish labour more disagreeable than free labour, which is often more difficult to be found. On this account, such a proceeding increases the number of those who seek relief, while the work allotted to them is in general badly done, and seldom affords any real advantage.

The following statement of Mr. Tufnell, a poor-law commissioner, places the case in so clear a light, that I cannot avoid quoting it. "The injustice, the moral and physical evils, which are imposed upon all, especially the working classes, by paying wages, allowances out of the poor-rates, are now so generally acknowledged, that I have met with no one who has ventured to defend them. Yet this mode finds so much indirect support, and the abuse assumes such a variety of forms, which conceal its real nature, that the insincere and short-sighted easily make it believed



that they would apply the poor-rates only to their legal objects, whereas they in truth pay wages out of them.

“ The most usual case in which the advocates would return to the old abuses, without knowing or confessing it, is where a workman loses his employment for one or two weeks. Their argument is, it is cruel to send a man into the workhouse who could be relieved during the time of need by a small allowance. This apparent indulgence becomes, however, the greatest injustice to the workmen, and the seeming economy is changed into almost unlimited prodigality ; for it is forgotten that wages cannot fall for a long time below the necessary wants of the workmen ; and a farmer cannot secure their services, unless he gives them enough to support themselves. But if the poor-fund undertakes the payment of an allowance, in the event of a suspension of employment, wages fall in the same proportion, and the farmer endeavours to diminish his outlay in this manner. He says, justly, I am ready to pay the wages of my own people ; but I cannot, and will not, pay wages (through the poor-rates) for my neighbour's people. If I am obliged by out-door relief to do this, because my neighbour discharges his workmen at a moment when employment is slack, I am compelled likewise to discharge my men, that my neighbour may pay as much for me as I do for him.

“The offer to receive the workmen into the work-house prevents this evil, because the farmer does not then discharge them on account of temporary circumstances. He fears that they will not return to him ; but will seek and find employment elsewhere. By this he acquires a bad reputation ; so that only inferior workmen apply to him, ~~and~~ require higher wages. Thus the much-decried poor-house secures to the day-labourers suitable employment and good treatment, while out-door relief makes the master harsh and the men idle.”

The following passage of a letter to Sir Robert Peel, by Dr. Copleston, Bishop of Landaff, published in 1819, throws a strong light on this subject. “The fundamental mistake to which I allude is the confusion of moral duty with the task of legislation. That which all *ought to do*, it is the business of the laws to make them do,—is a plausible position, and has actually been adopted by some of the ablest and most virtuous men. But nothing in reality is more fallacious ; nothing less congruous with the nature of man, and with that state of discipline and trial which his present existence is clearly designed to be. In the first place, it destroys the very essence, not only of benevolence, but of all virtue, to make it compulsory ; or, to speak more properly, it is a contradiction in terms. An action, to be virtuous, must

be voluntary. It requires a living and a free agent to give it birth. If we attempt to transplant it from our own bosoms to the laws, it withers and dies. It cannot inhabit an inert and inanimate mass, and the fabled attempt of Prometheus to breathe life into his lump of clay was not more presumptuous than the endeavour to inspire a code of laws with that principle which, by its very essence, is inherent in a moral and accountable being. And, in fact, this endeavour to invest the laws with the office of humanity, inconsistent and impracticable as it is when attempted from the purest motives, does in reality often originate from an imperfect sense of moral obligation, and a low degree of benevolence in men themselves. Absurd as the thought is, when expressed in words, men would be virtuous, be humane, be charitable, *by proxy*. This, however, not only the divine purpose and the declared end of our being, but common sense itself, forbids. To throw off the care of want, and disease, and misery, upon the magistrate, is to convert humanity into police, and religion into a statute book. There is a querulous sensibility, fostered by sombre descriptions in prose and verse, of workhouses and village poor, which tends only to breed discontent and to propagate the most erroneous notions of the duty of government, and the defects of civil institutions. When we hear these doctrines from the

mouths of seditious demagogues, we feel only indignation and disgust; but the offence against reason is really as flagrant, though not so alarming, when these false opinions are insinuated by means of the heart into the weaker intellects of persons unaccustomed to deep reflection; not with a view to awaken active benevolence, but to make them repine at the evils incident to social life."

As I am quoting instructive passages, I will add some which afford matter for manifold consideration. The Tory Quarterly Review\*, "Alms given in the street, and similar charity, avail nothing; but he who affords a poor person means to retain his position in society, to raise himself again from great distress to the independent gaining of his own subsistence, performs a work of real charity."

The Radical Westminster Review† declares against giving out-door relief to able-bodied persons, for it makes them idle and improvident. It is better to spend money as wages, than as poor-rates; only we should avoid the error of having public works executed by the poor, because, unfortunately, it too often happens that what is of no use is performed in the dearest manner at the public expense.

Mr. Sandby, in a work on the poor-law, says, "Out-door relief to able-bodied persons would lessen

\* cxxviii, 348.

† Vol. xxviii.

order, moderation, industry, and voluntary acts of charity. The firmness with which such relief is generally refused, has had the happiest effects on the farmer, the labourer, and the public ; increases employment, industry, and charity ; elevates the character ; and in this manner most adequately relieves the distress of honest families.

“ I have repeated and given in all their force the arguments against out-door relief to able-bodied workmen, in order to strengthen my feeling against confining them in workhouses ; and I have become convinced that the course pursued is the best for England, in order to pass from immense intolerable evils to a more healthy condition, and in particular to get rid of mischievous allowances. But that this system is equally applicable, and to be recommended in all countries, and at all times, or even that it is capable of putting an end to all poverty and distress, its most zealous advocates will scarcely venture to affirm. As little as physicians and medical boards can prevent all diseases, and even death itself—so little can local and central boards solve that impossible problem ; and in the same manner as diseases and the remedies for them are different, so also are the reasons of poverty, and the mode of treating them. In our days, what most strikes the eye is the preponderance of the monied man over the

labourer, and that the gains of the first increases almost without interruption, even through the mere lapse of time ; while the only capital of the latter, his ability to labour, often lies unemployed, and thereby causes him to be impoverished. The idea of dividing gain and loss between both appears at first sight very plausible ; but if we seek charitably to carry it into effect, the complex relations of civilised society oppose insuperable obstacles.

The distress of the factory workmen may certainly be called new and peculiar. Antiquity, however, was not better off when it allotted all manufacturing labour to the slaves ; and even in our days, as we see, there is no less distress in the country, than in the manufacturing districts of England. The manufactures are, besides, in the continued process of improvement, natural and necessary ; and can no more be got rid of by fair speeches, or rigorous measures, than superfluous population by foundling hospitals and infanticide. The glaring contrast between the rich and the poor is doubtless offensive and dangerous ; yet, we meet with it through all history, and one prolific source of difference, birth, has at least lost its power. Savings' banks diminish the evil ; but only in a slight degree : and more might, perhaps, be done by well-directed assurance offices.

Uncertain factory work is, at all events, better

than certain slave labour ; and it is only in a lower point of view that it can be affirmed, that in trade, as in politics, the freedom of one party causes the oppression of the other. When the Roman empire, with apparently flourishing manufactures, went to ruin, there was no public law for the rich ; no civil rights for the slaves. Christianity alone opened the prospect of another world. There are, in our days, power and means to overcome distress, as well as at any other time ; nay, more means than in many former periods, if we will but seriously apply them, and not fancy that every source of evil is stopped by building workhouses. It is absurd to indicate riches as the chief source of poverty. The poorer the society, the more general is the distress. Tribes of fishermen and hunters do not possess so many means to remedy it as Great Britain. Agriculture has equally and still more unavoidable years of famine than trade, and the internal intercourse may suffer as well as foreign trade. There is no such thing as absolute security on earth ; and distress in former times was probably not less, but of a different kind. Men were ruined and died, without statistical notices, and without funeral orations in journals and pamphlets.

The new English poor-law very properly endeavours to strengthen every man's moral energy

and will, and to set him on his own feet : it very properly refrains from converting workhouses into poor-houses for able-bodied workmen ; but another, not inferior danger, appears to be gradually creeping in. There were received in the workhouse for Suffolk and Norfolk,

Bastards.....	548
Orphans.....	382
Children abandoned by the father.....	279
„ „ by father and mother.	54
„ of criminals.....	171
„ of sick and infirm persons.....	116
„ of widows, able to work, in the workhouse.....	144
„ of widowers, able to work.....	36
„ of persons able to work, and re- ceived into the workhouse to relieve their parents.....	122
Total,	<hr/> 1852

Admitted into the workhouses of 478 unions,

Children under sixteen years of age...	42,767
„ above.....	<hr/> 54,743

About 4,000 were under two years of age. 

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97,510

When I read this, it seemed to me that rewards for thoughtless production of children are granted,



though in a rather different form ; and I am reminded of all the absurdities, sufferings, and enormities which arise in many countries from supporting and fostering foundling hospitals.

In Scotland there are no poor-rates ; and it is thought that the object might be more easily attained by education and voluntary contribution. Though many advantages of the Scotch management of the poor are acknowledged, complaints are, however, made, that the evil increases, and that the existing means are insufficient\*. A poor-rate, it is obvious, does not hinder private charity ; but compels the hard-hearted to contribute. The English principles might be adapted to the circumstances of Scotland, without falling into the errors that have been committed in England. There was as much diversity of opinion as in Scotland respecting the value and the applicability of the English poor-law system in Ireland ; I will, therefore, give an account of them in my next letter.

\* Alison on the Management of the Poor in Scotland.

## LETTER XIII.

Ireland—Public Law, Agriculture—Legislative Agricultural Laws.

*London, July 24, 1841.*

ON more mature consideration—I say, that it is not well possible to speak of the Irish management of the poor without a view of the general condition of Ireland. I will therefore now state what may be added in continuation of my preceding account. On the whole, the complaint is still true which I made in 1835 on the state of things in that country. The easiest and most usual way seems to be to lay the blame entirely on the barbarism of the Irish, or the injustice of the English. But, in truth, the foundations are much more manifold and complex, and therefore the more difficult to be remedied. When Lord Lyndhurst said “the Irish are aliens in descent, language, and religion,” he was perfectly right; for the Irish are of another race, speak no English, and follow another creed. When such extremes are to be reconciled, and harmony, peace, and content, are to be possible in one and the same state, the strictest justice must be exercised towards those who are in so many respects aliens; and to this justice must be added con-

fidence and affection; a contrary course cannot fail to produce hatred, and an endeavour to bring about an entire separation of Ireland from England.

In what manner many persons would abolish this contract, or had carried out Lord Lyndhurst's idea in their own mind, appears in a passage in the *Quarterly Review*\*. 'The real justice which Ireland has so long needed, would be the introduction of martial law for ten years, under such a commander as Cromwell, whose plain dealing and impartiality would have accustomed the whole country to peace and order. There is scarcely any one who would now recommend, in earnest, this senseless and wicked course; all now extol a just and equal treatment of England and Ireland; the only doubts are whether, and how far, the different circumstances of the two countries call forth, and justify, a different legislation. Much, however, is already gained by the acknowledgment of the general principle, though innumerable obstacles still oppose a proper application of it.

For this reason, after the fashion of our days, a remedy is sought preferably in changes of the law. The long, tedious, and intricate debates on the Irish Registration Bill, shewed, in the back-ground, a desire to admit many individuals, because wisdom and justice increase with numbers, or to exclude

\* *Quarterly Review*, lvi, 276.

many because these virtues decrease in the same proportion. The fear and the hope of gaining or losing influence was probably more concealed, but still more powerful. It is certain that the wish to participate in the government arises in the *many*, when the few do not exercise a paternal care for them.

The improvements in agriculture and trade appear to be considerable. There were exported,

	1825.	1835.
Oxen* .....	63,000	98,000
Sheep. ....	72,000	125,000
Pigs.....	65,000	376,000
Butter, cwt. ....	471,000	827,000
Flax and tow ....	54,000	163,000

Wheat, quarters .....	1819,	967,000
„ „	1829,	2,307,000
„ „	1837,	3,030,000
„ „	1838,	3,474,000

The greatest exportation was followed by a bad harvest.

1839, 2,240,000

Exports from England to Ireland.

	1825.	1835.
Woolen goods, yards.	3,384,000	7,884,000
Cotton goods. ....	4,996,000	14,172,000

\* Hansard, xlv, 632, 644; ii, 281, 18.

The imports amounted—		1825.	1835.
Tea, lbs. ....	3,889,000	4,794,000	
Coffee, lbs. ....	335,000	1,105,000	
Coals, tons. ....	734,000	1,001,000	
The value of the exports from Ireland to England amounted to.....		£7,048,000	12,080,000
Exports from England to Ireland,		£8,531,000	10,918,000

In the year 1816, Ireland did not possess a single steam-boat ; in 1836, it had 71.

The pleasure derived from this incontestible improvement is doubled by the testimonies that the rent of land has been tripled within fifty years\* ; but the poverty of the peasantry has since increased ; and the greatest exportation, especially of corn and cattle, arises chiefly from the fact, that the poor Irish cannot afford to eat either meat or wheaten bread.

Thus, then, we are still compelled to behold, in the defects of the laws and practice relative to land, the chief source of all the misery of Ireland ; and what I said upon this subject in 1835†, has been since confirmed by other observers. Thus M. De Beaumont says‡, the more we consider Ireland, its wants, and the difficulties of every kind in removing them,

\* Annual Register, 1839, p. 51.

† England.

‡ Sur l' Irlande, vol. ii. p. 198.

the more are we inclined to believe that an essential change in the condition of the peasantry is the true remedy for its sufferings. On the other hand, he declares my proposals on this head to be revolutionary, odious, and contrary to morality and policy. 'The Quarterly Review says, in the same spirit, Mr. Von Raumer must necessarily have remarked, how little probability there is that our Protestantism or Popery will be soon lowered to the philosophical standard of Berlin. This circumstance might have led him to doubt whether Prussia could be, with propriety, quoted in this place ; and a little further investigation into the temper of the Roman Catholics and Protestants in the Rhenish provinces would have heightened his doubts. But as Mr. Von Raumer seriously proposes, as a remedy for the evils of Ireland, that all the tenants of that country should at once be converted into landowners, we may in some measure infer, with what extraordinary composure a certain class of German Literati pursue their didactic dissertations.

In reply to these French and English critics, I will take upon myself the blame, that an insufficient development of my ideas gave occasion to misunderstanding ; but, when a German writer, well known in Prussia and Berlin, asserts in print that . my proposals go beyond the worst that appeared in

the French revolution, I venture to affirm that he has either not read the passages in question, or that he has read them carelessly or with ill-will.

Have I then really expressed myself so obscurely? I said literally, "my proposal is objectionable, unless both parties gain; if both parties are not gainers, either impolicy or injustice, or both combined, prevail, and punishment will not fail to follow." How, then, can I have recommended a general robbery, since every one who has the use of his senses knows that in every robbery both parties lose (*bei jedem Raube, beide Theile verlieren*). The substance and the object of a refutation should, therefore, be to shew that my belief in the possibility of this gain by both parties was a foolish error, or at best a good-natured illusion. Nobody has attempted to prove this; all have found it more convenient to overwhelm me with accusations of immorality, of a revolutionary spirit, which are wholly imaginary. Theoretical doctrines of German Literati have nothing to do in this case, but approved practice and instructive experience. The English landed proprietors, with the same lease, have, however, applied them in a very different manner from those in Ireland; and, instead of leases for a year, or even for a shorter time, have granted longer ones, which almost afford the security of property. This mode of proceeding, by which both

parties undoubtedly gain, is what I recommended: I recommended the Prussian system, which, by a legislative measure went a step further, and produced the most salutary consequences for all parties, as is acknowledged by every body, who is not blinded by prejudice or selfishness. Industry, patriotism, independence, credit, and produce, increased; and dangers which may perhaps here and there occur, may be removed or regulated by farther legislation. Those who doubt this, may take the trouble to examine the Prussian legislation; this is not the place for didactic disputations. No reasonable person will affirm that it might be transferred at once to Ireland, and applied without restriction; but no unprejudiced person will deny that it contains great principles and points out of real means of improvement.

True it is, when we look at the vast misery of the Irish peasantry, and see that centuries of government, and innumerable laws, have rather produced than remedied it, we are tempted to feel less averse even from violent means, or at least to acknowledge the dark side of unrestricted private right, not regulated by public law. Hence Mr. Buret\* exclaims, "The sight of a population consigned to misery has placed before my eyes the incredible abuses of property. The unlimited right to use and abuse such

\* *De la Misère des Classes Laborieuses*, 322, 327.



property is a crying sin ; for it would give the present proprietors a right to devour the land, as well as all the productions, in order to increase their enjoyments."

There are certainly many excellent landlords, and many well-disposed leaseholders in Ireland ; but, in general, both lose by the system which is now almost universally followed. He who first throws it aside and takes a better course, will acquire not only a moral, but likewise a pecuniary gain, and will then not accuse me as a revolutionist, and an advocate of robbery.

At the conclusion of my letter, I will add a remarkable passage from the *Edinburgh Review*\*. The cottage of the French and German peasant is worse than that of the English ; but it is his own property. He lives on common vegetables and on bread which an English beggar would refuse ; but it comes from his garden and his field. His clothing is coarse and ill-made ; but the linen is perhaps grown, spun, and wove in his own house ; and his woollen clothing is frequently the produce of his own sheep. He makes nothing in a superior manner, but much tolerably well. His labour and skill are divided ; not directed, as in England, to one point. Such a population may be ill-fed, clothed, and lodged ; but it is at least sure of employ-

\* July 1841, p. 503.

ment, and exposed only to the variations of the seasons. Such a population is necessarily economical and prudent ; and least of all will it commit the greatest of all imprudences, that of an inconsiderate marriage."

No where is this wise counsel neglected more than in Ireland ; youths, young men and women, says Mr. Nicholls\*, "marry there literally without possessing a dwelling or any means of subsistence. Accordingly there is no country to which emigration is so necessary and advantageous as Ireland ; but so long as more children are born than afterwards emigrate (unless other counteracting measures are applied), the complaints of too great a population will not cease."

\* Report, vol. li, p. 31.

## LETTER XIV.

### Disturbances in Ireland.

*London, July 25, 1841.*

A GREAT portion of my last letter contains illustrations and explanations from the instructive work of Mr. Lewis, on "The Disturbances in Ireland\*." I copied the following extract so far back as July 1836; but this appears to me the best place to insert it.

"By the settlement of Ireland after the revolution of 1688, the power of the new government was so firmly established, that no combined movement took place in favour of the ancient dynasty, not even during the Scottish rebellions of 1715 to 1745. The first of the risings, which had little or nothing in common with the previous troubles in Ireland, was that of the Whiteboys or Levellers, in 1761. These insurgents were so called, because they wore white shirts over their clothes, as a badge of their union,

\* On Local Disturbances in Ireland, and on the Irish Church Question.

and because one of their principal objects was the levelling of the fences of newly-inclosed waste-land. The immediate cause of their rising is stated as follows by Dr. Curry, the earliest and best-informed writer on the subject:—

“ About this time great tumults had been raised and some outrages committed in different parts of Munster, by cottiers, and others of the lowest class of its inhabitants, occasioned by the tyranny and rapacity of their landlords. These landlords had let their lands to cottiers far above their value, and, to lighten their burden, had allowed commonage to their tenants. Afterwards, in despite of all equity, contrary to all compacts, the landlords inclosed those commons\*, and precluded their unhappy tenants from the only means of making their bargains tolerable. Another cause of these people’s discontents was the cruel exactions of tithe-mongers; these harpies squeezed out the very vitals of the people, and by process, citation and sequestration, dragged from them the little which the landlord had left them.”

Mr. O’Connor, writing to Dr. Curry, says, “ I assured Dr. Warner that they proceeded from the

\* By *commons* is here doubtless meant merely *waste land*. If there had been a right of commonage over these wastes, and they had not been private property, the landlords would have been unable to inclose them without the consent of the commoners.

throwing of that province, like Connaught and Leinster, into pasture-inclosures, which excluded the poor, and reduced them into a state of desperation, and into that rage which despair on such occasions will dictate." Arthur Young describes in similar terms the cruelty of the charges that are made, and the distress of the lower classes produced by them. The landlords, he says, expel the people, because cows and sheep appeared in many places more profitable. Even at that time we find the system afterwards acted upon by the Whiteboys, viz. compulsion to make people join in their union, punishment of those who resisted, intimidation of witnesses, of plaintiffs, &c.

Their proceedings were directed against rent and taxes, without being at all connected with religious feelings. The clergy rather endeavoured to prevent their excesses.

All the subsequent disturbances (with the exception of the political troubles of 1798) have related to the respective situations of landlord and tenant ; and this was, and still is, different, and more unhappy in Ireland than in any other country ; for either, which was very common, the landlord lived abroad, and then the tenants fell into the hands of oppressive, rapacious, middle-men ; or, he lived on

the spot, and then, as a member of the privilege class, as a Protestant, he was often inclined and entitled, without any responsibility, to treat his Roman Catholic tenants harshly ; and, was it not the greatest and most general injustice, that the Roman Catholics are declared incapable of acquiring land ! The chief object of the Whiteboys was to maintain the actual tenant in the undisturbed possession of his piece of land, and to see that at his death it should remain in the possession of his family. They effected both, by preventing, or punishing the ejectment of the tenant, and the taking of his land by another. Sometimes the efforts of the Whiteboys are directed to fixing the rate of wages ; very seldom, in later times, to the tithes : this is apparent from the following view of the crimes committed in Munster in 1833. There were

Crimes connected with the occupation of land,	140
„ employment of labourers,	67
„ collection of tithes, rent,	
„ and local taxes, and the	
„ enforcing of their pay-	
„ ment by law.....	71
„ payment of tithes.....	10
Crimes committed in order to obtain arms ..	65
Crimes connected with forced marriages ....	13

Crimes connected with religious feeling . . . .	2
„ „ political feeling . . . .	3
„ „ local party feeling (fac- tions) . . . . .	28
Miscellaneous . . . . .	12

“The principal objects the Whiteboys have in view, is to keep themselves upon their lands. I have often heard their conversations, when they say, ‘What good did the Emancipation do us? are we better clothed or fed, or our children better clothed and fed? are we not as naked as we were, and eating dry potatoes when we can get them? Let us notice the farmers to give us better food and better wages, and not give so much to the landlord.’” All these latter troubles had nothing to do with religion, and were partly the greatest in wholly Romish districts. The attacks are made equally, for the same reasons, on Protestants and Romanists; but, indeed, the poor and oppressed are for the most Romanists. The Association of the Romish Ribonmen against the Protestant Orangists was of a different kind.

The Whiteboys employ every kind of violence to attain their ends; their punishments are seldom directed against their landlords, but generally against new tenants. When, for instance, a tenant is ejected,

and another comes in his place, the latter is warned, threatened, and, if he does not obey, punished with extreme severity, even with assassination, and the burning of his house. This is a secret, formidable tribunal, against which the ordinary laws and courts of justice are utterly powerless. "The Whiteboys find in their favour, already existing, a general and settled hatred of the law among the great body of the peasantry. The Irish peasant has been accustomed to look upon the law as an engine for oppressing and coercing him, administered by hostile persons, and in a hostile spirit\*. He has been accustomed to look upon himself as the object of general persecution; 'the world has not been his friend, nor the world's law:' and he has sought for protection from illegal combination against legal oppression. The extent to which the hatred of the law and the sympathy with

\* Rev. John Keily:—"I believe it was a pretty general feeling among the common people in Ireland, that there was little justice to be had for them; in fact, I conceive it to be one of the greatest blessings, that Ireland can obtain an equal distribution of justice to all classes there. I do not here make distinction of classes as it regards religion, but I mean the poor and the rich. It was formerly an Irish adage, that a word in the court was better than a pound in the purse. It is an Irish phrase, the idea that nothing was to be done but through interest, I will not say bribery. But, that a word in the court was better than a pound in the purse, is a phrase almost in every person's mouth in the country whence I came.

"What circumstances induced them to entertain those opinions? —A general feeling that might was more powerful than law and right in Ireland."—H. C., 1826, p. 397.



criminals are carried in Ireland, is so great as to be scarcely credible to persons who have lived in a country where the mass of the community feel that their interests are on the side of the established order of things." Crimes, on the contrary, which are not connected with the possession of land, &c. such as robbing for mere personal gain ; and some species of crimes,—for example, parricide, or child-murder,—would probably create nearly as much disgust in the Irish as any other peasantry. Scarcely any person ventures to give evidence in court against a White-boy ; for which reason all legal proof is impossible. The Whiteboys rule, in many parts, without control, and there the country is quiet ; and they inflict no more punishments, because the people do what they choose to command to be done. Public opinion, in the neighbourhood of the Whiteboys, declares for them and protects them. They do not form an association of a few desperate characters, but a well-organized union of peasants and tenants, who endeavour to protect themselves by violence from the danger of complete poverty and wretchedness. They express the wants and the feelings of the great masses of the people. Wherever they prevail, they do away with the existing law and the existing government ; and establish a rule in its place, which, in its immediate effects, appears to be advantageous to the tenant ;

but is, at the same time, arbitrary, capricious, violent, and blood-thirsty; hurts the upper classes, seduces the lower, and in time endangers the existence of civil society. All attempts to put an end to this state of things by legal measures and severe punishments have entirely failed, and must fail, because they, by no means remove the cause of the general evil; men, who have nothing to hope, and little to fear, from the consequences of their crimes, are not to be influenced by ordinary means and mere criminal law.

There is in Ireland a want of profitable, continued employment; this is the reason that the mass of the people is driven to agricultural labour. The impossibility of living as labourers, and on daily wages, compels the inhabitants to enter into leases on exorbitant conditions, and, because they are ejected if they do not fulfil them, they have no other resource than to join the Whiteboys. There is a want of capitalists, and of large farms, which afford employment. It is also impossible for the proprietor to unite great masses of land, because the ejected tenants fall into the greatest distress, and the new occupants are in danger of being murdered. There is a general desire to give each of the many children a piece of their land, and to leave it to him as an inheritance; which leads to a too great division into

small portions, and to constant misunderstandings between the landlords and the tenants.

Thus far I have quoted Mr. Lewis' instructive work, to which I will add a few remarks.

I.—Those who ascribe all the evils of Ireland chiefly to the Roman Catholic Religion, and oppose all improvement in the legislation, for fear of the Papists, find here not only no confirmation, but a sufficient refutation of their views on the subject.

II.—The tyranny of private right, not restricted or directed by any law, is here manifest. The divisions, and the enclosures of commons, which, if due prudence had been observed, would have been advantageous to all parties, have produced the greatest misery; and from that misery the most revolting exercise of arbitrary power has arisen.

III.—The legislator should effect, by laws, what the Whiteboys endeavour to obtain by illegal means; for the object is natural, and if attained, would benefit all. The object, I say, is natural; for every one must desire to be secured against want, and to see his children provided for. The Emancipation Bill, as I observed in my former letters, is but the first step of a necessary series of improvements; it did not bring any direct advantage to the lower classes.

IV.—When existing laws are universally de-tested, and the violation of them is not considered as a crime, local measures and punishments no longer avail. The subject must be considered from a higher point of view, and prosperity and harmony established by great measures.

The laws still exist in name ; but in truth they are abolished by the Whiteboys. Nominally the land-owner can do what he pleases with the land and the tenants ; in reality he has no power over them, and his right and property are transferred by arbitrary and violent means to others. Would it not then be infinitely better to effect a moderate improvement, to the advantage of both parties, by equitable laws, than to suffer every thing to be thus turned upside down ?

Emigrations have already taken place, and it may be well to facilitate and promote them. It is, however, an erroneous assertion, that Ireland has such an excessive population, that a portion must necessarily be sent to other countries and distant quarters of the globe. The same complaint of a surplus population was made fifty years ago ; and since that time the produce of Ireland has so much increased, that it would afford subsistence for double the former number of inhabitants. The same may, perhaps, be the case in the next ten years ; or double the

capital, and with it employment, the population will not be too great.

In the *Quarterly Review*, No. CXI., we find the following passages:—"If a landowner divides his fields into small portions, and takes from them as much profit as he can, his revenue will be larger than with a better system." Very true ; but it is only for a short time that the poor gives more than the rich tenant ; and when the Whiteboys enterfere, this erroneous calculation is so much the sooner found to be fallacious.

## LETTER XV.

Irish poor in England—Observations.

*London, July 25, 1841.*

BY way of introduction to the later discussions on a New Poor Law, I send you to-day an extract from the “Instructive Enquiries and Reports on the Irish Poor in England.”

In the first place, I must observe, that the persons putting the questions and making the reports, as well as all the witnesses, are Englishmen, and therefore partiality to the Irish is certainly out of the question. There is, however, no reason to complain of partiality against the Irish, though there is, of course, a difference in the experience and opinions of the persons examined. I could have wished, however, that some Irishmen, even of the lower orders, had been examined; for discoveries are often made by this means, which are too easily concealed from persons in a superior station.

The opinion which is most generally given is the following:—“the immigration of the beggarly poor Irish to England is very prejudicial, and ought to be prohibited, because it diminishes the wages of the

English labourers, and corrupts their morals." I have always the greatest distrust of assertions of this kind ; for, not to mention that they frequently take the thing to be proved, as granted, and then boldly proceed to further conclusions, it usually happens that what is thus proved, affords no satisfactory ground for the proposals and laws which it is intended to justify. No notice is taken of the partiality of the proceeding, as many persons do not recollect that the same side of the moon is always turned towards us, and why this is so. Thus most Englishmen abide by the English view of the case, entirely forgetting that there is an Irish one ; or, might we not reverse the above fact, and conclusion, without committing a fault against the rules of logic, and say, the immigration of the poor Irish to England is very advantageous, and ought to be encouraged, for it raises the wages of the Irish workmen and improves their morals ? When one party gains as much as the other loses, the one certainly balances the other ; but I am convinced that, in the end, and on the whole, both parties gain.

I am myself, however, falling into the mistake which I blame ; I begin with generalities, instead of giving testimonies and facts. The Irish, says the report, are satisfied with the lowest wages, and yet they are higher than in their own country. Whereas they receive there sixpence, or at the most a shilling

per day, they gain in England two or three shillings. A second equally great advantage is that they find here constant, uninterrupted employment, which they can seldom depend upon in Ireland. They are ready to perform the meanest and hardest manual labour ; and many of them become bucksters and petty retail dealers. Many shew great skill and dexterity in their business. Any suitable education would make them equal to the English in all affairs of trade. Several of them seem to be quite in their element in buying and selling.

The English and Irish receive different wages only in proportion as they differ in ability ; the former, however, are more prudent managers, and live better on the same wages : they like to have meat, and to be well lodged ; whereas the Irish are content with potatoes and herrings, and are indifferent to a dirty dwelling. On the other hand, they are more addicted to spirituous liquors, and are fond of dress. Upon the whole, they behave better or worse than the English ; they are either diligent, willing, dexterous, well-conducted, or idlers and drunkards. In general, they marry early ; have numerous families, and in proportion many debts. Their wives are said to be bad managers, and given to drinking and other vices ; yet, before marriage, they are generally more modest than Englishwomen of the same rank, which appears



to be an effect of the ancient laws on illegitimate children.

As the English are not inclined to have much intercourse with them, they live for the most part together in certain quarters, which makes it more difficult for them to adopt another and better mode of life. Those whose morals were corrupted before they left Ireland, generally become worse in England or Scotland ; because they throw aside all restraint, and soon perceive that the clergy here cannot control them, like the priests in Ireland. The separation from parents, relatives, and friends, has often an unfavourable influence in this respect. Those who are not corrupted when they come to England, generally improve in their morals ; because they are constantly employed, less exposed to want, and follow the good example of their fellow workmen.

Many of the Irish peasantry have their morals corrupted by the transition to the temptations of a town life in England ; yet, on the whole, they gain more than the English lose, by their intercourse with each other. Their mode of life can be gradually improved only by rewards, example, instruction, &c.

The crimes which they commit in England are not of a dangerous kind, as is so frequently the case in Ireland ; but generally the consequence of violent tempers and drunkenness.

England pays large sums for Irish poor ; and they are larger, as they are not always employed in the most judicious manner. The Irish themselves are very charitable in relieving each other, as far as their means will allow.

Immigration\* from Ireland has increased : 1, because those who come over obtain, as we have said, higher wages and constant employment ; 2, because many English country people do not like to begin a town life ; 3, because the unions of English workmen to compel the masters to give higher wages have caused a demand for Irish ; 4, because property in Ireland is less secure, and there is no poor-law for the relief of the indigent ; 5, because the expense of immigration has so much diminished since the establishment of steam-boats, that a man generally pays only a shilling, and sometimes only sixpence for the passage.

If there were no immigration from Ireland, more Scotch Highlanders would have come to England ; but no great number of workmen can be depended on from that country. The Highlanders are shepherds, fishermen, or farmers' labourers ; disinclined

\* From March 1836 to March 1837, 74,000 Irish landed at Liverpool, and 50,000 returned to Ireland ; and from 1838 to 1839, there landed 45,000, and 39,000 returned. About 50,000 Irish live in Glasgow, and 60,000 in Manchester.—Hansard, li, 1229.

to working in the manufactories, and not so ready and quick in learning a new business as the Irish.

To these facts I will add some observations.

I.—There is no essential difference between the English and Irish in regard to their intellectual qualities; and the defects which appear occasionally, will be most easily remedied, and even wholly removed, by employment, education, mutual influence, and equal treatment.

II.—The amount of wages is by no means determined by the number of workmen alone; but, in the last instance, much more by the possibility of paying wages from the profit of the work. Thus, for instance, it would be very foolish to believe that, if the number of workmen in a manufactory were suddenly reduced one-half, the wages of the remainder might be increased one-half.

III.—The lower the wages, the more easy is it (independently of the influence of other circumstances) to sustain a competition with other countries, and extend the manufactures. This effect has been partly produced by the Irish workmen, without wages having fallen so low that the workmen could not subsist upon them. Or if they fell in some measure for the English, they at least rose in the same proportion for the Irish.

The farmers derive as much advantage in the

harvest-time from the immigration of the Irish, as the manufacturers do.

Mr. Alexander Carlisle, cotton manufacturer in Paisley, seems to have hit the right nail on the head, when he says "the immense coal-mines under us, and, so to speak, the inexhaustible mine of labour in Ireland, form together one of the greatest mysteries of the almost unparelled prosperity of the country."

Nobody denies this, with respect to the coals, the inorganic riches of the country : but I am convinced that in a few years the same views will be general with respect to the abundance of living power.

## LETTER XVI.

Ireland—Poor-laws—Opinions—Labour in England and Ireland—  
Parliamentary Opinions.

*London, July 21, 1841.*

WHATEVER opinions may be entertained of the new poor-law for Ireland, passed 31st of July 1838, it is certain that the report and the discussions in Parliament manifest the endeavour, without the influence of party views, to obtain a thorough knowledge of the existing evils, and to discover the best means of remedying them. It is to be regretted that the investigation did not lead to a coincidence of views on both points; but, in difficult and complicated affairs, this is so natural, that we cannot be surprised at it. Let us first hear some of the witnesses.

Mr. Nicholls says, in his Reports\*, land is the great want of every Irishman; but as the small portion which he gets to cultivate by no means affords him constant occupation, he never learns the value of time; he becomes indolent, does not concern himself about the future, and gives himself up to drinking. There is little demand for labour, and little inclination to work

\* Reports, 1837, vol. li.

as day-labourers. If we should lay down, as a principle, that every poor person had a right to relief, all would apply for it, and all property would be consumed. Beggary in Ireland is but the external sign, though no proof, of want. Voluntary support is not sufficient; and the present mode of raising contributions is unequal and partial, inasmuch as they fall almost exclusively on the lower classes, while the rich and the absentees are exempt. The poor-rate should be divided between the landowners and the tenant. Beggary can be prevented without mischievous outdoor relief, if the Irish are referred to the work-houses, which they hate. A law on settlements is unnecessary, as soon as *no right* to relief is allowed.

Mr. Senior confirms the want of daily wages and of constant employment, and ascribes the misery of Ireland to the division of the land into too small portions, to want of capital, the insecurity of persons and property, &c.—Mr. Lewis is of opinion that the English poor-law, with some modifications, might be introduced into Ireland. The Westminster Review says, beggary is to the Irish peasant what the local poor-fund was for the English workman; viz. an apparently inexhaustible source of relief. Both have produced a spirit of improvidence and carelessness. Colonel Torrens, in a letter to Lord John Russell, declares: The state of Ireland is so peculiar, that it

cannot be changed by poor-laws and workhouses : so long as activity and produce do not increase, so long as land and labour do not yield more, it is impossible permanently to improve the condition of the distressed. For a piece of land, which in England requires two labourers, five are required in Ireland.

Acres.

1,131,000 persons cultivate, in England, 34,000,000.

1,095,000..... Ireland, 14,000,000.

In England, the produce is worth 150,000,000 sterling. In Ireland, only 36,000,000. An English labourer, therefore, produces the value of £142 in a year ; an Irish labourer, only £31. The former receives ten shillings a week wages ; the latter a quarter of that sum. So long as this state of things continue, the people must remain poor ; they cannot be enriched by laws and regulations.

The debates in Parliament on a new poor-law for Ireland are so peculiar and instructive, that I cannot resolve to weaken them by compressing them into a general narrative ; I will rather endeavour to select some leading points from the speeches of the members.

Lord John Russell\*.—We have great difficulties to contend with, which have been imposed upon us by former ages ; we must not, however, be deterred

\* Hansard, xxxvi, 453.

by them, but endeavour the more carefully to avoid ancient mistakes. Poor-laws are peaceful measures to enable a country to forbid beggary. It seems, to the common feeling of mankind, to be unjust to say to the needy who cannot support themselves, you shall not roam about the country, to get rid of your distress by the charity of the rich. It is not till the poor-law offers assistance, that we can proceed against beggary. A poor-law greatly promotes social union, because it proves an inclination to provide for the well-being of all classes. It is for the interest of every rate-payer, that every one about him should be employed, and that his own tenants should be well off.

In Soulbury\*, poverty had so increased in consequence of the defective regulations, that the land-owners abandoned their land, the tenants their farms, the clergy their tithes, and left all in the undisputed possession of the poor. It is the principle of the new institutions, as of the enactments of Elizabeth, to bring the poor into a position which is more uncomfortable and disagreeable, than that of the active independent labourer. Therefore, a poor-house must be so arranged, that the poor willingly avoid going into it. If possible, aid should be given to every one in need of it, and not merely to the blind and the lame, who most easily excite, and find compassion.



Emigrations have their advantages ; but if the expense of them were to be paid by the state, all voluntary emigration would cease, and many, after having received the money, would rather remain here than go away. The idea of sending away the poor by force, is cruel and impracticable. The increase of population in Ireland has not been in an equal proportion to the means for their subsistence. The beggars in Ireland now levy a tax of £700,000 to a million ; and yet the importunate and the impositor, not the truly indigent, is often relieved.

The landowners are for the most part indifferent to the fate of their tenants ; there is a want of knowledge, public spirit, even compassion ; and every one who is ejected from his piece of land immediately falls into the greatest distress. A poor-rate will essentially alter and improve this state of things ; want of capital produces want of employment ; want of employment produces distress, disturbances, and insecurity ; and hence again arises want of capital. Thus all moves in an unfortunate circle, without ever advancing.

No out-door relief, which mingles beggary and work ; no law of settlement, which limits the market for demand and activity ; no ecclesiastical members of a poor-law board, for they act more beneficially as mediators ; no right of voting without payment of

the poor-rates. One principal board for England and Ireland, that there may be a general superintendence, and uniform modes of proceeding, the division of the tax between the landlords and tenants ; and above all, to include the absentees, who have hitherto escaped all these burthens.

Mr. O'Connor.—It is good to throw the relief of the poor, from the poor to the rich, whose property becomes more valuable through greater security, than by the excessive offers of indigent people, who then make, and execute agricultural laws to their own advantage. A law of settlement is out of the question, so long as we do not give the poor a *right* to support.

Lord Morpeth.—The distress is so great, that something must be done. The poorhouse will be an inducement to seek for work, and likewise to give work, in order to reduce the poor-rate.

Sir Edward Sugden.—A poor-law will better the condition of the people, and oblige the landlords to take more interest in the fate of the labouring class. —(The Dukes of Wellington and Devonshire were of the same opinion.)

Lord Lyndhurst.—There has been no application for a poor-law. The experiment is dangerous, and the people want work, not the inclination to be diligent.

Lord Hatherton.—Those who are to pay the

poor-rates of course make no application for a poor-law ; and those who are to receive, can neither read nor write. If the law is to be brought into operation at once, regulations respecting settlement are unnecessary ; if it is to be gradually introduced, they cannot be dispensed with.

The Marquis of Lansdowne.—The principals and most useful effect will be on the rate-payers, particularly the absentees.

Mr. Richards.—In point of fact, a poor-law already exists in Ireland, since the beggars levy a million in an irregular and false manner. Charity will not be destroyed by judicious poor-laws.

Lord Stanley.—It is impossible to exaggerate, or to estimate too highly, the importance of the evils now existing in Ireland : the habit of begging arises from the general and arbitrary system of relief for real or pictured, merited or unmerited, distress. This poison is insinuated in the family ; it promotes carelessness, checks all improvements, discourages industry, forethought, and prudence, and ruins the moral and social condition of Ireland. In comparison with this evil, even very high taxation seems of little importance ; the poor Irish are extremely charitable ; but the rich and the state must also do something, and contribute to the extirpation of this evil.

Mr. O'Connell.—The new law is false in principle, and poor in substance. To support the poor is a moral and Christian duty ; but it is a mistake to attempt to convert it into a legal, compulsory duty. The misery of Ireland arises from so many causes, that it seems foolish to expect relief from such an absurd, petty remedy. Give us all the rights of England, and we will ourselves provide for our poor, without troubling you. The evil arises not only from the possession of land, and too high rents ; there are 500,000 miserably poor Irish who have not a foot of land. You gave 20,000,000 to the negroes, or their masters ; and what do you offer us ? the right to tax ourselves, and to put our money from the one pocket into the other. The Irish look every where for employment ; but when multitudes, able to work, can no where find employment, and starve ; you say starve, or suffer yourselves to be shut up. There are too many poorhouses ; and, yet again, in proportion to the really distressed, far too few. The expenses are excessive, and the whole machinery of inspectors, sub-inspectors, buildings, &c. much too intricate. The absentees, who do nothing for the country and the people, should be doubly taxed ; the clergy not excluded from taking part in the boards ; the mere tenants should be less burdened, emigration facilitated, and every other means

tried, rather than the introduction of an English poor-law.

Mr. O'Brien.—If the misery of Ireland has already reached the highest degree, it cannot be increased by a poor-law. A tax on the absentees, or for the promotion of emigration, would be only a compulsory poor-rate. The claims of the poor are not opposed to the interests of the rich; but poor-houses cost more than emigration.

Mr. Wyse.—As long as greater relief is refused, any poor-law affords only a miserable, apparent remedy to ecclesiastical, political, spiritual, and temporal evils. Land is let at the highest rate; labour paid at the lowest. Thence arises the distress of the labourers, and of those who are able to labour.

Mr. Shaw.—Out-door relief would have a most injurious effect, and put an end to all free, independent labour.

The Duke of Wellington.—If no assistance is to be given to those who are able to work, the machinery of poor-houses is superfluous.

Mr. Crawford.—When there is a monopoly of landed property\*, and corn laws, there must be protection and assistance for the poor; and if laws have been enacted against usurious interest, why not also

\* Hansard, xxxviii, 383; xxxix, 493; xl, 947; xlii, 675; xliii, 16, 675, 352, 440, 477, &c.

against usurious rents ? Poverty has its root in the relations of the landlord to the tenant. Where there is no law of settlement, the responsibility of the landlord is at an end, and the beggars roam over the whole country. Confinement in the workhouse should not be an indispensable condition of relief to men capable of working ; it is more expensive, and renders it more difficult for those who are so confined, to better their condition by obtaining employment out of the house.

Earl Fitzwilliam.—It is not the poor-houses, but the overseers, that give the right evidence of indigence. All the proposals proceed only from traders in humanity ; and are not approved in Ireland, because they come from England.

Sir Robert Peel.—No system is secure against objections ; we must, therefore, wait for the instruction of time and experience. A great disadvantage of the system of workhouses lies in its inflexibility. Perhaps this might be diminished by some connection with relief at home. If, in general, the Irish are extremely averse to that means, and, especially, will not separate from parents and other relations, it at least affords real aid to those who are in need of it. It is very unadvisable to expend large sums on public works, merely to obtain work for those who are unemployed. For, in a tranquil country, and a well-

regulated civil society, all really useful employment is afforded by private enterprises. Such public work increases the evil ; inasmuch as it excites hopes of constant employment, whereas it can only be temporary.

Notwithstanding all objections, it was resolved in Parliament, by a very large majority, to introduce into Ireland a poor-law, similar to that of England. The enactments respecting poor-houses, superintendents, inspectors, unions, and the distribution of relief, are essentially the same. The tax is almost exclusively imposed on landed property and income connected with it. It is paid by the tenant, and the half of it deducted from the rent. The guardians are chosen annually by those who are liable to pay, or rather by those who actually pay. They have, in proportion to their contribution, from one to six votes. A net income of 30*l.* per annum is the highest qualification that is required for a guardian. Certain persons (for instance, justices of the peace) are officially guardians ; but their number is not to exceed one third of those elected. No clergymen can be chosen guardian.

The inspectors and guardians, in their reports for 1839, do not deny that the first and most general feeling in Ireland was directed against the new law, and that it was considered as an additional evil. By

patience, moderation, perseverance, and instruction, the opposition was allayed ; but still the law was not liked. In the year 1840, the reporters speak of progress being made, though party spirit and greater poverty had increased the difficulties. O'Connell, and those who think with him, affirm that the new law has an injurious effect, and that, by a far too complex administration ; by salaries, poor-houses, &c. the expense was increased, and the number of the poor not diminished. There being no law of settlement, the poor were sent into the towns, and the sympathy and relief to the neighbouring poor were diminished.

The English system of workhouses is justified chiefly on the ground, that men able to work, who have been spoilt and rendered indolent by allowances in aid of wages, ought to be deterred and compelled to work. In Scotland, on the contrary, there is no such necessity ; because allowances of that kind were never made ; and in general it is not the fault of those able to work if they remain unemployed. If the aversion of the Irish to suffer themselves to be confined in workhouses were not so very great, the application of persons really indigent would soon increase to such a degree that the whole system would be broken up, as insufficient and excessively costly. At all events, very different means must be



employed—a very different course taken—to establish order, content, and prosperity in Ireland.

The temperance societies, founded by Father Matthew, do more good to Ireland than the work-houses. Every member renounces all intoxicating liquors, unless prescribed as medicine. Hence extraordinary savings arose; the affrays, attacks, inflicting of wounds, formerly so frequent, ceased, and health was manifestly improved. That many persons looked on these natural consequences as a miracle, and Father Matthew as a worker of miracles, in spite of his assurances to the contrary, I would not blame so severely as many have done. The temperance societies certainly cause a gain of hundreds of thousands; and even the loss to the revenue, which is an inferior consideration, will soon be made up for in another way. The greatest and truly praiseworthy wonder is, that a whole people, by the energy of a free, voluntary resolution, should emancipate itself from a deeply-rooted vice, and begin, it may be hoped for ever, a new and respectable way of life. Instead of indulging in ridicule or calumny, many intemperate Englishmen had better follow the example of the Irish.

## LETTER XVII.

English Municipal Law—Irish Municipal Law.

*London, July 27, 1841.*

IF opinions differed on the suitableness of a poor-law for Ireland, they diverged still further on the question, whether Ireland needed a municipal corporation law, and whether the English law should extend to Ireland? In order to understand and answer this question, we must call to mind what disputes have already taken place in England on this subject\*, and what apprehensions have been expressed. Even a Prussian minister of state (who knew the salutary effects of the Prussian municipal law, and was perfectly acquainted with foreign affairs) believed that the English municipal law of the 9th of September, 1835, would lead to a sanguinary revolution. All, however, went on quietly, and the consequences have been very beneficial; yet of so peaceable a kind, that, out of England, hardly any thing has been heard of them.

The new municipal law enacted, that all the rights and revenues of the freemen and other privi-

\* England, vol. ii, letter 27.

leged persons should remain in force ; on the other hand, all privileges for exclusive trade were abolished. Every resident occupier of a house or shop, who has been liable to the payment of poor-rates for three years, and has actually paid them, has the right of a citizen. Every other means of acquiring these rights ceases. The magistracy consists of a mayor, aldermen, and common-councilmen. The number of common-councilmen is three times as great as that of the aldermen. In small towns the citizens choose twelve, in large towns forty-two, councilmen, and the number of the aldermen chosen by the councilmen by open voting is from four to sixteen. The mayor is chosen annually by the council, either from their own body, or the aldermen. A third of the councilmen go out every year, but may be re-elected. A man must possess property, varying in the different towns from 500*l.* to 1,000*l.* to be eligible to these offices. No clergyman is eligible. At least one third of the councilmen must be present to take a resolution, and the majority decides. They have the right to make bye-laws, and take a decided part in most matters relative to the administration and to taxes. The mayor is at the head of the whole, and the aldermen are his immediate assistants.

Five plans for a municipal law for Ireland were laid before Parliament, none of which were adopted ;

and a sixth was agreed to, with great difficulty, because longer delay became more and more dangerous, and the principle of an essentially different treatment of England and Ireland could no longer be maintained. For these six centuries it has been affirmed that Ireland is not ripe for equal treatment. If this be true, it must be allowed that the mode of education hitherto pursued has been the slowest recorded in the history of the world. In the year 1836, a 'Tory said to me, "Time gained, all gained." But the latter part of this proverb, which is equally true, says, "Time lost, all lost." Another said, if we reject the bill for some consecutive years, the Irish, who have been artificially excited, will entirely forget the whole affair; a notion, which appears to me thoroughly false, in a matter of such general necessity and interest. It is certainly true, as Sir Robert Peel remarked, that countries and cities have been well governed and prosperous without municipal laws; this, however, was not the question, but what the circumstances of place and time now demanded.

Let us hear first what was said in Parliament\* against the introduction of a municipal law into Ireland. In theory, said its opponents, the plan looks very well, but it will work badly in practice; it will increase the power of the Whigs, give the predomi-

\* Hansard, xxxvi, 207, 301, 667, 747.—xxxvii, 928.—xxxviii, 261.

nance to the Roman Catholics, and ruin the Protestant Church. Every new corporation will be a fortress against Protestantism ; every old one was intended as a fortress against Popery. Ireland is not accustomed to a complex municipal law ; neither does she desire it. Agitators raise the outcry solely to promote their own political and religious views. This outcry must on no account be yielded to ; nor must we fancy that the same laws will produce the same effects in England and in Ireland. Without a sufficient proof of property, the right of voting will fall into the hands of the mob, who are misled by demagogues. Men without property will govern and impose taxes, all which is directly contrary to the letter and the spirit of British institutions. The qualifications must be established and proved in Ireland, as well as in England.

The new corporations, said Sir Robert Peel, are as liable to objections as the old ones. The Irish have a perfect right to the enjoyment of all civil privileges ; but I positively deny that such corporations are to be considered as a part of those civil rights ; at least, prejudice will be in favour of the ancient institutions, which were advantageous to the church. Five pounds is too small a qualification for obtaining civil rights ; besides, there is no means to examine the truth of the statements of property.

To these and similar arguments, it was answered, the abuses of the old municipal institutions in Ireland are notorious, and even greater than former abuses in England and Scotland. Any longer to withhold a municipal law, is a breach of the laws for the union of England and Ireland, and for the emancipation of the Roman Catholics; it is better to separate religious from political matters, than, for the sake of the former, to resist all improvement. It is absurd to exclude the Roman Catholic majority from the exercise of all civil rights, and to subject them for ever, in all municipal concerns, to the will of a Protestant minority. It is foolish to place the safety of the Church in the withholding of equal rights and refusing free institutions. As the Irish can no longer be oppressed as slaves, we must try to gain them as friends and allies. There are differences, indeed, between the two countries; but they are by no means so great, that the smallest town in England should be ripe for a municipal law, while Dublin and Limerick are not. Ireland being poor, it is unreasonable to require there, as high a qualification in property, as in England, which is so much wealthier: the number of electors and citizens would be thereby much diminished in that country, &c. &c.

Under these circumstances, and amidst this diversity of views, a motion of Lord Francis Egerton

was supported by a great number of members. This proposal was, entirely to abolish the old corporations in Ireland; not, however, to introduce a new municipal law, but to place all essential rights in the hands of officers appointed by the Crown. Nothing but the fear of democratical anarchy, and Roman Catholic encroachments, could have led to such an idea, which substitutes the power of the general government for the exercise of local government, and is directly opposed to the feelings of the English. While the French system of administration is generally designated here as objectionable and tyrannical, it was proposed to force upon the Irish something similar, as an improvement. Why should cities like Dublin, Belfast, Cork, and Limerick (which may be compared with the largest in the Prussian monarchy), be governed by a commissioner, nominated and removed by the lord-lieutenant at his pleasure? Because, it was answered, Roman Catholics live there; because we wish to avoid excitement, and not to increase the power of O'Connell, &c.

After the Roman Catholics were treated as citizens of the state, and admitted into Parliament, it was impossible to exclude them for ever from the exercise of the rights of freemen; and if such rights are not to be allowed as civil rights, they must then be granted as political rights.

The passions of the different parties gradually subsided, and truth gained more ground. Sir Robert Peel said\*, “the abolition of the Roman Catholic disabilities included a solemn obligation that the abolition of all limitations of civil equality and the exercise of all civil privileges was consistent with the maintenance of the Protestant Church, the inviolability of its possessions, and the security of its rights and privileges. Since the self-electing corporations have been abolished in England†, they cannot be retained in Ireland; since circumstances have become so powerful, the Roman Catholics can no longer be excluded; since the laws on tithes, and the poor-laws, have been agreed to, a municipal law can no longer be refused.

After this agreement on the main question, the dispute turned chiefly on the amounts and the proof of property; and the Irish were obliged to give way on this point, in order to obtain the principal object. The Irish municipal law was passed on the 10th of August, 1840. In the leading particulars, it is copied from the English law: therefore I will mention only some of the more important particulars in which it differs. Every person is entitled to the rights of a

\* Hansard, xliii. 460; xlv, 162; xlv, 360.

† Hansard, xlv, 185, 751; l. 207; li, 641; lii, 254, 1068; and several other places.



citizen, who has a clear income of £10 derived from real property, who is charged for the poor-rate on this sum, has punctually paid all the taxes to which he is liable, and has enjoyed that income for at least a year. The citizens elect the common-councilmen and aldermen. A fourth part of those who have the greatest number of votes are aldermen, the other three-fourths are common council-men. One third of the latter, and the half of the former go out every three years. The mayor is chosen by the common-councilmen from among their own body, or that of the aldermen, for one year. In Dublin, which is the largest city, there are fifteen aldermen and forty-five common-councilmen. Every person elected must possess, in the principal towns, unencumbered property of a thousand pounds sterling, or pay £25 to the poor-rates. In the smaller towns, only £500 in property, or £15 poor-rates is required. Whoever refuses to accept a municipal office, must pay a certain fine. Clergymen are not eligible. The common-council has the right to make bye-laws, to appoint city officers, and committees for the management of certain affairs, and lay the accounts annually before the Lord-Lieutenant, &c. On the other hand, they are subject to certain restrictions, in respect of the property of the city.

Many Irishmen still complain, that the qualifica-

tions entitling to the rights of citizens are fixed at a higher amount in Ireland, which is so poor, than in wealthy England, and that the persons elected must possess the same amount of property in both countries; hence, say they, arises the preponderating influence of a few rich men, and an injurious division between the upper and lower classes. The advocates of this measure affirm, on the contrary, that the above requisites and conditions are too low and inconsiderable for England, and that the greater strictness now required is to be considered as a step to improvement.

It is impossible to discover a rate every where applicable, an infallible nominal sum for countries and towns so extremely different; besides, however important these things may be, a good municipal government by no means depends on them alone. At all events, if the higher qualification was not adopted from party views in the Irish law, an increase must necessarily take place in England. At all events, the ancient institutions in both countries require essential alterations, which, in general, scarcely any body considers as adverse to improvement.

One objection to the new Irish corporation law has, perhaps, not been made, and yet it is too well-founded. This is, that it is very long, very confused, and very obscure.

In fact, most of the English laws are defective in

their arrangement and composition, and the language and meaning are rendered obscure by the endeavour to be too explicit, and too definite ; and yet this very endeavour has caused and increased the obscurity, and rendered innumerable subsequent declarations and explanations absolutely necessary.

## LETTER XVIII.

Ireland—the Church—Commutation of Tithes—Education—Repeal  
of the Union—Schools and Scholars.

*London, July, 1841.*

IN my former letters \* I have treated so much at length on the religious affairs of Ireland, and, on the whole, every thing is so nearly in the same state, that only a few remarks will be necessary.

After five bills, for the Commutation of Tithes †, had been rejected, the sixth was at length passed in August 1838. No law, however, could remove the innate difficulty of the question; great poverty often made all payment impossible, and compelled a general reduction. Compositions in land led to difficulties in the management; compositions in capital, to doubts respecting the manner in which it might be safely invested.

At the end, the main evil remained in full force; viz. that the great majority of the indigent Roman Catholics, who had been expelled from their old church property, must pay and maintain a wealthy church for a few Protestants.

\* England, vol. ii, letter 27.

† Hansard, xxxviii, 408; xlii, 1174; xliii, 444; xlv, 1112.

In May 1838, Lord John Russell estimated the  
 number of Roman Catholics at ..... 6,500,000  
 „ of Presbyterians..... 650,000  
 „ of the established Anglican Church 852,000

In Cashel and Derry, there were—

To Roman Catholics..... 3,408,000  
 Protestants..... 140,000

In Tuam, 96 per cent. were Roman Catholics, and only 4 per cent. Protestants. The Romish Church in Ireland is connected with the great majority of the people, but not with the state; the Protestant Church is connected with the state, and separated from the people. The plan of connecting and reconciling both, by the education of children, in reading, writing, and arithmetic, however laudable it appears, will scarcely be carried into effect, and the demands for decisive measures become more and more violent. “O’Connell\*,” therefore, said, “you say we want education, and yet you shew that you do not aim at, or believe what you say. A petty party spirit predominates in the council, and produces resolutions which excite both nations to ill-will and enmity, instead of uniting and blending them together. I believe that a man is no more bound to give money for the spiritual wants of another, than to pay his apothecary’s bill.”

\* Hansard, xlii, 1315.

This state of things led to the formation of great and powerful associations, which were justly censured, but without removing, in any manner, the foundation of the evil. Both parties were inflamed, on the contrary, with increased zeal; the one to maintain all existing rights, the other to shake off all existing burdens. Thus, for instance, when Mr. Drummond\*, the Under Secretary of State, once said, property has its duties as well as its rights, a great outcry was raised, though the position merely expresses an indisputable truth.

Many persons consider that the best remedy for the evils existing in Ireland, would be the repeal of the union. May this endeavour tend to deter from error, and to compel the adoption of a better system; in itself the proposal strikes me as very hazardous and objectionable; for though several assemblies of estates, in one and the same kingdom, may be useful and necessary, the proposition might, in this case, be too violent and hostile. "The absentees," says O'Connell, "must then return to Ireland, and, in the grants of money, Ireland, if independent, would have an influence over the affairs of the rest of the world." But if opposite courses were taken, who then will decide, or lead to a wise diagonal of the different forces? I do not give up the hope, that without

\* Annual Register, 1839, p. 40.

## 10 NUMBER OF SCHOLARS AND SCHOOLS.

having recourse to such an extreme measure, all that can be naturally and justly claimed for Ireland will be obtained ; for, in spite of all obstacles, it has made more progress within the last forty years, than in centuries before.

Thus, for instance (in spite of Protestant and Roman Catholic zealots), with respect to education, there were, in

1826,	69,000	scholars.		
1837,	166,000	„	1300	schools.
1838,	181,000	„	1384	„
1839,	205,000	„	1581	„

Much remains to be done; yet there is an undeniable progress, and the idea of common instruction in reading, writing, and other elements, and of separate instruction in religion, for scholars of different creeds, is not so foolish, vain, and impracticable, as many persons affirm.

This subject will, however, be better illustrated in connexion with the modes of proceeding, and opinions entertained in England.

## LETTER XIX.

England, Schools—Ireland, Schools.

*London, July 28, 1841.*

ALL parties, with very few exceptions, are of the same opinion respecting the necessity and importance of general popular education.

Thus, the *Edinburgh Review* says\*, in the present state of civilization, no security for liberty and order can be found, except in a proportional and adequate system of national education. In the same manner, there are but too many testimonies that, notwithstanding recent improvements, the number of schools is not sufficiently great, nor is the system followed in them satisfactory. There is, besides, a want of means to train schoolmasters, and to pay either the educated or the uneducated.

According to Mr. Stoney†, two thirds of all the children in England, and half of all the children in London, receive no instruction. Instead of being at

\* *Id.*, 2, 213. See *England*, vol. II, Letter 57, on *Schools and Universities*.

† *Hansard*, xxxix, 432, 724; xlv, 278; xlii, 680; xlvii, 330; xlix, 312.



the head of this species of civilization, England, as Mr. Wyse assures us, has almost the last place among the European powers. In Manchester, 49½ per cent. of the boys and 57 per cent. of the girls are without instruction; 67 per cent. of the boys and 88 per cent. of the girls could not write their names. In the twelve workhouses in East Kent\*, there were

4 who could read and write well,

297 could write indifferently,

474 could neither read nor write.

In the workhouses of Norfolk and Suffolk,

10 could read and write well,

281 read and wrote badly,

928 could neither read nor write.

Eighty-five per cent. of all criminals were totally without education†. Besides this, in many towns the children are too soon independent of their parents, or the parents are totally indifferent about the education of their children.

In a report of 1838, on the education of the poorer classes, we find it stated‡; it may be assumed that there are scarcely a sufficient number of schools for an eighth part of the population. In Bethnal

\* Report of the Poor-Law Commissioners, 1838, vol. xxviii, p. 140.

† Recent Measures for the Promotion of Education in England, P. Neale. Juvenile Delinquency in Manchester.

‡ Reports, vol. vii.

Green, between eight and ten thousand children grow up without any instruction in their duties to God and man. The Sunday schools are no where sufficient, and do not fully answer the desired object. Without great and persevering efforts of the government, this neglect will be a source of the greatest evils to all classes. In many towns, only 1 in 12,

„ others..... 1 „ 24,

„ Manchester..... 1 „ 35,

„ Birmingham..... 1 „ 38,

„ Leeds..... 1 „ 41,

receive some kind of education.

According to the second report of the registrar-general of births, deaths\*, &c. for 1840, there were, in fifteen English counties, and in Wales, 40 per cent. of the men and still more of the women unable to write their names. Of 121,083 who were married, 40,587 men and 58,959 women could not write. About 33 per cent. of all the men, and 49 per cent. of all the women in the kingdom are equally ignorant. If, said the Bishop of London, we had applied fifty years ago to churches and schools a tenth part of the sums expended on prisons, penitentiaries, and poor-houses, we should be in a different, and better situation.

\* Report of the Registrar-general of Births, Marriages, and Deaths, in England and Wales, 1840.

The efforts and associations of private persons are not commensurate with the wants of the people. The voluntary system (which is justly rejected with respect to the church, and erroneously defended in regard to schools) has likewise proved totally insufficient. The state, the church, and dissent, said Lord Morpeth, have equally failed in their duty.

With the certainty of these facts, the truth of these assertions, the desire to improve the schools, every body asks with astonishment why no progress has been made, or, at least, why the desired end is so far from being accomplished? From love of liberty and religion, is the reply of most Englishmen. This answer, which foreigners especially find it difficult to understand, will be best explained by one decided case.

For the purpose of at least a partial remedy of the above evils, the Ministry proposed to found a kind of normal school, or seminary, for training schoolmasters, and to give the superintendence of this school, and of the disbursement of the money granted by government for schools, to some members of the Privy Council, and to some commissioners whose assistance might be necessary\*. These proposals were rejected in Parliament; for it was alleged,

\* A compromise was subsequently made respecting the last proposal, after the Ministry had given up the post.

*In the first place.*—There is no universally applicable system of instruction. What is suitable in one place, is not so in another: the town and the country, the high and the low, every class of people, every religious denomination, needs and requires a different kind of schools and instruction. No restraint should be put in this respect on the habits and feelings of the people. It is tyranny to fix any thing and lay down a general rule for the number of schools, the attendance at school, the kind of instruction, the school books, &c. The Prussian institutions in particular are wholly unfit for a free country\*; for there the people are drilled like soldiers in a camp, and are more like a standing army than inhabitants of a land of freedom. All compulsory attendance at school is an encroachment on the parental authority and on personal liberty, and merely a consequence of despotic governments. (This, it is true, does not agree with the proposal to withhold all assistance when a school is opposed to certain theological views, nor can it be reconciled with the compulsory attendance at schools in factories.)

*Secondly.*—The proposals of the Ministry lead to a

\* Lord Brougham's expressions. Hansard, xxxix, 432; xlix, 312. See Raumer's England, vol. iii, letter 57. From Pillar's Lectures on Education, the English may obtain more solid knowledge of the Prussian system. It is perfectly unnecessary and superfluous to make any further remarks for the Germans.

tyranny of the authorities, and to education by the state, which puts an end to all self-determination and self-government, and suppresses the liberty of pursuing divers courses. All are thrown into the same mint, and come out with the same impression, and the same inscription. The state cannot educate, and the state ought not to be the universal school-master, the sole superintendent of all establishments, the whipper-in of all the idle, to a chase after useful knowledge.

*Thirdly.*—A board of education, consisting of privy counsellors, a ministry of public instruction, is a frightful hydra—a hideous chimera ; to which neither the English Church, nor the Roman Catholics, nor the Presbyterians, nor Dissenters will submit. Where the state takes all upon itself, the subject becomes a machine. From a free self-direction we fall back into the system of barbarous ages, which some please to term a paternal government. Such a board would encourage and propagate its own views ; would have more regard to political objects than to religious truths\*, and would sooner make the children heathens than Christians. No board of any kind can or should have the superintendence of the moral and religious education of a people, or appoint the schoolmasters. If the latter are trained in a normal school, their

\* Wilberforce on National Education.

opinions will probably differ from those of the Church of England, and the children be consequently educated in hostility to it.

*Fourthly.*—All superintendence over schools, all disbursements of grants of money, the whole direction of education, belongs to the Church and the clergy. They have religion and knowledge more at heart than the Ministers and Privy Counsellors\*. It has even been proposed (by Lord Brougham) to establish a board of education in every town, and to give to every person who may be supposed to be educated, a vote in school matters. So that a shop-keeper may very likely become president, while the clergyman holds the lowest place. The Church cannot give up her claim to be the judge and the deliverer of the people of God. To give the Privy Counsellors the superintendence of the schools would be cutting off Samson's hair, so that the strong man might be unresistingly delivered into the hands of the Philistines.

*Fifthly.*—Knowledge without religious instruction, is rather a curse than a blessing. It is treachery to be impartial in religion, or to teach a motley religion, instead of that which alone is true; or to set aside the special and peculiar dogmas; or so to weaken them that nought remains but a caput mor-

\* Hansard, xlvii, 220.

tuism of deism\*. No plan will ever prosper which excludes religious instruction. This instruction can never be adapted to children of different denominations: no suitable prayer, in which all may join, can be composed, much less a complete course of religious instruction, for Protestants, Roman Catholics, &c. To learn reading and writing is not education; to mix children of different denominations in religious instruction, is to undermine all faith, and would lead to general scepticism, which is the harbinger of infidelity. Moral precepts are no substitute for religion; and it is not good to learn, in early youth, that the religious convictions of different people do not harmonize. If the state will not teach the true religion, it is better to be wholly silent, than to proclaim a false one. If the Bible is made the basis of all instruction, and secular knowledge used to illustrate it, the young people will learn more, than if the latter only is taught in the schools. If the scholars are divided for separate religious instruction, differences and disputes will arise, and a great number of teachers will be requisite. It is, therefore, best to combine secular knowledge and religion in the school, and to teach the latter in the only pure form. The plan of

\* Speech of the Bishop of London on National Education. Wilberforce. Letter on the Government Plan of Education. The Church and the Education Question. Fox's Lectures on National Education.

a uniform popular education, of children of all denominations, has totally failed; it is absolutely destructive to the Church and to Christianity, contradictory to the nature of man, and to the command of Christ. It exists only as a delusive dream in the minds of men, who, having no religion themselves, cannot conceive how it influences others.

Such were the principal objections: they did not, however, remain unanswered; in the first place, the Ministers repeatedly stated the substance and intention of their proposals. They declared that they did not aim at a too great centralization, nor the setting up an unconditional system of instructions, nor encroachments on the rights of the Church and Clergy, and least of all were they indifferent or hostile to religion. Though these assertions were neither approved nor credited by their opponents, it is necessary to state them rather more in detail.

In the first place—The wants of the towns and villages, of the rich and the poor, are undoubtedly different, and it would be foolish to keep these differences out of sight; but there are general deficiencies which may be remedied, obstacles which may be removed, measures which may and should be adopted, without being united with the danger of a general mechanical, compulsory system. Besides, many branches of in-

\* Quarterly Review, cxxxiii, 132.



struction, such as reading, writing, and arithmetic, are of so simple a nature, that a good method is every where applicable. The education of the people\*, says Mr. Buller, should not be left, without guidance and aid, to the pleasures, the fancies, and caprices of individuals. You do not properly appreciate these questions, if you consider education merely as a right of individuals, or as an alms, which you distribute with a liberal, or niggardly hand, or as a premium for agreement with the Established Church. Education is, in fact, the greatest of blessings to a free man, the most valuable of his rights; but it must be considered as the first precaution of a wise government, a measure which the landowners in particular should adopt, in reference to the mass of the people, and which, in no country in the world, is so necessary as in Great Britain, where the artificial edifice of society, and the great inequality of civil conditions, expose us to constant dangers, arising from the discontent and ignorance of the uninstructed poor. In this point of view, I cannot think of this and similar questions, without concern and apprehension; when I observe the situation of the labouring classes, the profound and dark abyss which separates them from the knowledge and the sympathy of their superiors, the total ignorance of their

\* Hansard, xlviii, 553, 557, 1239.

feelings and their wants, in which we live, the little influence which we possess over their conduct, the slender portion which we have of their attachment, I recoil with terror before the wild passions and profound ignorance which appears to be fermenting in that mass of merely physical power. A great part of it is entirely neglected, quite uninstructed, and, during every interruption of their labours, sunk in deplorable excesses. In others, we perceive a germ of thought, still more dangerous; a union in feeling, still more threatening. These murmurs of discontent and ignorance sometimes assume a more definite form, and express themselves in the schools of Thom, the partisans of Stephen, and the millions whose belief consists in Chartistism; for these are the teachers to whom you abandon the minds of the people. Some learnt their religion from a maniac, in whose resurrection they believed; others are taught that they have a right to fix the amount of wages at their pleasure, and to enforce their resolutions with the dagger of the assassin, and the torch of the incendiary. Others again teach, that rents and interest are deductions from daily wages, and that, consequently, the landowners and capitalists are robbers, and oppressors of the working classes. This miserable instruction is still the only instruction of the poor; while you, the enlightened law-givers of the land,

whose property and lives would be the first victims of these fearful delusions, spend, in idle discussions on forms of faith, the precious time which is hurrying on rapidly to a dark revolution, the consequence of our culpable folly and negligence; and when the Government, which is the last of the educated classes to awake from their indolent neglect of the minds of the people, at length proposes to send the school-master among these dangerous, yet still teachable masses, then comes a noble lord, and the church, and the aristocracy, and the great conservative party, and block up the way with the thirty-nine articles.

This too true and deeply affecting picture would have made the greatest impression on unprejudiced hearers; but it left no trace in the minds of those in whose narrow principles or prejudices no eloquent words, no discussion, can effect any change or modification. Let us, however, hear the further replies to the opponents of the plan.

*Secondly and Thirdly.*—The distribution of the trifling parliamentary grants to schools has hitherto been made by some officers of the Treasury who were frequently not qualified for it. If this office is confided to some carefully selected privy counsellors, if we merely enquire whether and how the money granted has really been employed for the schools, if all are subject to publicity, and answerable

to Parliament, only party passions can raise an outcry about dangerous centralization, tyrannical interference, and compulsory public education. Nobody ever thought of imposing, and prescribing teachers and elementary books, methods of instruction, and school hours; but theory, as well as practice, shews that the voluntary system, without any superintendence, has not been successful, and that a combination of local with a more general superintendence is necessary. As local government did not attain the desired object in the management of the poor, so neither can the management of schools, unconnected by any general system, produce a satisfactory result. It is an erroneous idea that the responsible ministers in the distribution of public grants to the schools ought not to exercise the slightest influence over the general education of the people. It would be unjust to exclude poor places (as has hitherto been done) from a share in such grants, when they are not able themselves to contribute a considerable sum; it would be unjust to take the money from all the subjects, and to give it only to the adherents of a certain creed. In the colonies, the Government gives money for the instruction of all religious denominations; and, in this respect, we must appeal from the artificial conscience of the state, or the established church, to common justice, and universal Christian

charity. The government and the ministers may belong to a certain religious denomination ; but it does not follow that they are to employ their power and resources for the promotion of that alone, and to neglect, or even discourage all others.

*Fourthly.*—The Established Church cannot claim the sole superintendence and direction of the education of the people ; for it has no influence and connection, except with its adherents. Millions of Roman Catholics and Dissenters neither can, nor will, submit to its direction, or rather to its tyranny ; while it gives little or nothing towards education out of its very ample resources, it would willingly interfere in every thing, and persuade people that the multiplication table and the doctrine of justification by faith must be mingled together. The clergy understand nothing of scientific instruction ; and, for that reason alone, are unfit to conduct and superintend it. If they were all taken from one denomination, religious liberty would suffer ; if they were taken from several, discord and disputes would ensue. Instead of imparting really useful knowledge, the clergy teach the children a great deal about Moab and Ammon, the mountains and rivers in Palestine, the employment of the angels, and such matters.

*Fifthly.*—If the dogmas of every religious party, with all their subtleties and details, are to be taught

in all the schools, no common education is possible; there must be distinct schools for each sect, or rather (as this is quite impossible) the hitherto prevailing general ignorance must be suffered to continue. I believe, says Mr. Wyse, that, without interfering with the religious opinions of any party\*, Christian charity and national unity, which are among the primary objects of all Christian and popular education, might be promoted, by imparting instruction to all in common. I cannot conceive why matters on which all are agreed should not be taught in common, reserving matters on which they do not agree for separate instruction.

Education in common (said Lord Stanley on a former occasion) will allay religious animosity and zeal, and form, in youth of all sects and persuasions, a bond of harmony and friendship, which the changes and struggles of life will not break, and which will have a most salutary influence on the public welfare.

It is foolish, said Mr. Buller, to affirm that it is impossible to teach certain scientific subjects, without immediately connecting them with religious instruction. It is delightful, writes the noble Wilberforce, to see that in this way (by common education) men of different sects may join in the execution of useful plans. I feel myself elevated, and freed from former

\* Hansard, vol. xlv, 294.

setters, when I see this blessed freedom of charity, which brings all other blessings with it.

All apprehensions for the church, said Mr. Shiel, are vain and ridiculous. Christ would not have rejected the child of a Sadducee or a Samaritan as a little heretic: and while Dissenters are\* admitted into all offices, and into Parliament, they are excluded from the schools, if they do not change their creed. Instead of disputing, said the Bishop of Norwich, we ought to take each other by the hand, and combat our common, but more powerful enemies, viz. ignorance, vice, and profligacy.

In the report on the schools in Ireland, we find the following passage†: we are of opinion that it is highly desirable, for all the purposes of really religious and moral education, to impress on youth, not merely precepts, but to inspire the minds of the children with the habits of cheerful obedience, social intercourse, and Christian charity; and, for these purposes, the children of differing denominations must, as far as possible, be educated together.

The division of instruction into separate departments, says Mr. Towell‡, does not include the slightest disregard of the great principle of a complete

\* A Letter to Lord Stanley on National Education.

† Report on Foundation Schools, 1888, p. 40.

‡ Towell, State Education considered with reference to prevalent misconceptions, on religious grounds.

education. Still less does it follow, that any department is degraded, which is taught apart from the others.

An attentive consideration of all these facts, principles, and views, impels, almost irresistibly, to an attempt to discover and express certain results, at least for one's own private information. The aversion of the English from excessive interference of superior authorities, from mechanical teaching; from inert, lifeless principles of education and instruction, is laudable, and favourable to real liberty. Equal praise is due to the doctrine that isolate scientific instruction does not include, or supply the place of, general education. Lastly, very great stress is justly laid on sound religious instruction, and the immediate and natural influence claimed for the clergy.

On the other hand, party views and objects were blended with these great truths; dangers were said to be perceived, which, in fact, did not exist; and, by the stubbornness of certain doctrines, the fault of mechanism, which it was wished to avoid, was necessarily incurred. For instance, it is impossible to give complete religious instructions to children of every sect, in one and the same school; it is impossible to have separate schools for every sect. Consequently the compulsory sway of one religious party will preponderate, or children remain without instruction.



Knowledge without religion, is as defective as religious doctrines, if not combined and supported by knowledge and science. To a German \*, it appears extremely simple and natural, to leave instruction in every branch of science to persons versed in it, and instruction in religion to the clergy of the several denominations; to employ the children together in the lessons in reading, writing, arithmetic, latin, Greek, mathematics, &c. and leave to the parents the choice of a clergyman for their separate instruction in religion. This idea appears, however, to most Englishmen to be strange, superficial, nay, irreligious! It is so disliked, that, even on that account, joint school instruction is impossible. But, on that account also, the progress of education in England is slow and disconnected, while the dangers arising from ignorance, or ill-directed education, increase in a more rapid proportion. But even were this not the case, I see another very great evil, in the circumstance, that (as I shall shew in the sequel) the religious parties in Great Britain differ exceedingly, or fall into bitter internal disputes. Now, if this theological zeal is inspired in the youth by the several clergymen, without being allayed by the conciliatory intercourse

\* Lord Brougham says justly, "the true principle of education, is to give the people secular instruction, in which all sects can join, and leave the important task of spiritual instruction to the several religious teachers."

afforded by joint instruction, the individual, as well as the state, falls from the harmony of life into abrupt and hideous opposition, and Great Britain will acknowledge, too late, that Germany, which is now so often unjustly accused, has, in this respect, chosen the better part.

## LETTER XX.

**Education of the Lower Classes—Sir Robert Peel on the Education of the Lower Classes—Sir Robert Peel and the Quarterly Theological Review.**

*London, July 29, 1841.*

THE school educates the child; but the man requires also, in riper years, a progressive education, and especially, if in his youth he neglected or had no opportunity of receiving instruction. On that account, laudable efforts have been made to open institutions for workmen, artizans, mechanics\*, and the lower classes in general, where they may receive instruction adapted to their condition, instead of squandering the time, when they are not at work, in mere indolence, or in sinful indulgences. Lectures and books, calculated to awaken their mental faculties, and to have a salutary influence on their ordinary occupations, were therefore provided. By this means, the influence of false teachers and false doctrines was to be combated, and the great dangers to civil society, which has been so often mentioned, would be at the least diminished.

\* Channing. Lectures on the Education of Labouring Portions of the Community.

With this view, a reading-room and library was founded,—for instance, at Tamworth. For a quarterly payment of about a shilling, persons of both sexes, without regard to political or religious opinions, were admitted. Maps and terrestrial globes were provided, collections of plants and minerals, which appeared important to the manufacturer, were expected to be soon acquired, and it was intended, if possible, to combine, with the use of the books, plain, simple lectures, on astronomy, botany, chemistry, the progress of the arts and sciences, the application of new discoveries to agriculture, manufactures, and commerce. Two of the principal clergymen in the town were among the directors of this institution. All frivolous, immoral books were excluded; but as persons of different religious denominations were to subscribe, and to make use of the library, it was laid down, as an inviolable rule, that no theological, exciting, polemical writings, should be purchased, and that political disputes in the reading-room should be avoided.

At the opening of this institution, Sir Robert Peel delivered to the, probably very mixed, assembly, a plain, truly popular, cordial speech, from which I extract the following passages.

“I cannot share in the apprehensions of those

who anticipate injurious consequences, either to the moral or religious character of the people, from imparting to them such knowledge, or inviting them to such investigations, as are the proper objects of our concern."

"I can hardly conceive a mind so constituted, that being familiarised with the wonderful discoveries which have been made in every department of experimental science—that seeing the proofs of Divine intelligence in every object of contemplation, from the organization of the meanest weed that we trample on, or the insect invisible to our eyes, up to the magnificent structure of the heavens, or the still more wonderful phenomena of the soul and reason of man—can retire from such contemplations, without more enlarged conceptions of God's providence and a higher reverence for his name."

"I fervently hope and believe that this will be the result. I hope and believe that 'increased sagacity' will be subservient to a more exalted faith.—That science and knowledge will not merely impress upon the mind a cold conviction of the truths of Natural Religion, but that they will temper and prepare it for the better reception and comprehension of the great scheme of human Redemption—that new sources of conviction will be opened, independent of

the overwhelming force of historical testimony — independent of that assent of the heart and conscience, which instinctively discovers, in the pure system of Christian Morality, the internal evidence of a divine origin."

"I hope and believe that the 'increased sagacity,' which takes the most comprehensive view of the order of the universe—which is most conversant with the concurring proofs of infinite wisdom—with the varied stages of existence in organic life—with the recurring vicissitudes of life and decay, and resurrection—which best knows the assigned limits of human inquiry—the difficulties that cannot be solved—the mysteries that cannot be interpreted, in respect to objects of sense, and daily observation—that 'that sagacity' will lend the most unwilling ear to presumptions and objections against the Christian Dispensation; and will be the most forward to recognize its perfect harmony, with all that we could conclude from reason, unaided by revelation, in regard to the constitution and course of nature, and the moral government of a Creator and Ruler of the world\*."

Thus spoke Sir R. Peel, on these occasions cer-

\* British Critic and Quarterly Theological Review, July 1841.

tainly without reserve, and according to his full convictions. Let us now see how the journal of the strict church party treats and judges of him, on occasion of this speech, at the moment when he enters the ministry as the leader of the conservatives and friends of the church. This vote of confidence, of quite a peculiar kind, is in substance as follows.

“ Sir Robert Peel has great weight on questions of malt, registration, and sugar; but surely, by this time, his name is a nullity in any question in the smallest degree connected with religion.”—“ False and mistaken friendship is tenfold worse than honest and avowed hostility\*. What peril can be greater than the protection of a latitudinarian minister?” “ This new minister will bring the danger nearer the church and within her bosom: we think no warning can be too strong, too earnest, too clamorous” — “ Too soon will the church have to deprecate the killing-kindness of these new statesmen. They fraternise with every species of heresy, and treat (especially Peel and Brougham) all politics as party matters. The former says to the poor man, I will teach you to exalt your minds with entomological researches, to learn mag-

\* The Tory Morning Herald said, “ Peel and his body-guard have again sold their supporters.”

nanimity by decimal fractions, to tranquillise your tempers with the study of chemical affinities, and to refresh your daily lassitude by calculating the planetary revolutions.

“Sir Robert is a man, who, amiable and respectable as he is, plays his part in the great arena with no more largeness and comprehensiveness of view—no more grandeur and sacredness of principle, than the most ordinary partisan in the most local squabble, on the most ephemeral interests. A man may be great on a paving and lighting dispute, or a watch and ward committee; he may be great with his servants or by himself; but Sir Robert is small with nations, petty with a constitution of ages, and (we say it sadly and seriously) unfaithful to the everlasting Catholic Church. He wishes to know nothing beyond the House of Commons. Its resolutions, passed in heat and speed, under royal or popular dominion, in days of corruption or violence; its chance majorities of ten, two, or one, are his inviolable canons of legislating, beyond which he dreams not of a principle.”—“This profane and vulgar House of Commons is his only reality. Every other thing or thought to him is form and shadow. To the House of Commons he is thoroughly harmonized, soul and body, mind and manner. In vain might we search through his speeches for splendid



theories, large inductions, universal sentiments, great maxims, solemn sanctions, profound arguments, and immutable principles ; or if one does find them here and there, they are so brought in as to be the exceptions that prove the rule. From beginning to end, his career is one of shifts and expedients. Neither he, nor any man on earth, can venture to say what he will do next ; nor can any say what he has done already, in terms implying intention and consistency."

—"It is I and my party throughout."—"Strike the first person out of Sir Robert's speeches—aye, cut off his whole career,—and they become a rope untwisted, a net unknotted, a ship unnailed and unpinned."—

"The whole career of this statesman has been one continual defalcation. From the first moment that our too-confiding church began to lean on this staff of a broken reed, it has never ceased to pierce her. One concession, one betrayal has only been the pledge of another."—"We see no sign or token of sacredness in the self-styled conservative body."

"How melancholy is it, that a man of such exemplary life, such cultivated tastes, such political distinction, such parliamentary tact, and such varied experience, should have so little confidence in himself, so little faith in his own principles, so little hope of sympathy in others, so little heart for a great ven-

ture, so little of romantic aspiration and of firm resolve, and of dutifulness to the unseen! How sad, that he, who might have had the affections of many, should have thought, in a day like this, that a statesman's pride lay in preserving the mean, not in aiming at the high; that to be up was his first merit, and to kindle enthusiasm his most disgraceful blunder. How pitiable that such a man should not have understood that a body without a soul has no life, and a political party without an idea, no unity!"

Perhaps I should not have given this extract here, but have reserved it till an opportunity offers to speak of the present state of political parties. But it reflects a light on the preceding observations on schools and education, and upon the following account of religious affairs. The Theological Review does, indeed, by no means express, in the above extract, the sentiments of all those who nominally belong to the high church, but of the most active and zealous members, who would strengthen the form of the church, and not adapt the substance of religion to the convenient indifference of the day. The character it draws of Sir Robert Peel is harsh and severe, and was expressed on an occasion which did not seem to call for it; but, upon the whole, it attains its object better than the abuse of many other opponents.

Whether it is possible to represent the weaknesses and defects with which he is here reproached, as advantages and perfections?—this is a question I am not called upon to answer here.

## LETTER XXI.

The Universities—Oxford—Newspapers—Literary Property.

*London, July 30, 1841.*

WITH respect to the English universities, no essential change has taken place since the year 1835, except that continued examinations have rendered their dark and bright sides more prominent. As Mr. Huber will probably soon continue his very profound and instructive work to the latest times, it would not be proper for me to lengthen my former unconnected observations, unless I could sufficiently clear up the intricate subject.

The latter object may perhaps be best promoted by an extract from the very able account and defence of the English universities, especially Oxford, which is contained in several numbers of the *Quarterly Review*\*.

Oxford has always combined the spirit of independence with a sincere attachment to the existing institutions in Church and State. It has manifested courage against abuse and menaces, and composure towards ridicule and calumny; it was neither intole-

\* No. lix, 439; lxi, 203.

rantly devout nor stationary, but proceeded in its own legislation, without renouncing its respect for the past, or running into rash innovations. A union of the system of tutors and colleges with that of professors and universities, is the most perfect arrangement; but if the whole conduct of education is to be given to one half, the former of these is preferable to the latter\*. Oxford had not the means thoroughly to complete the system of professors; the small salaries tempt nobody: a man gains more as a schoolmaster or a clergyman; and the State, far from granting assistance, takes, for stamp duties, a thousand pounds a year more than it gives for the university.

Not every tutor is qualified to be a professor, nor every professor to be a tutor. It is necessary, in the first place, to communicate knowledge; secondly, to instil morals and principles. The latter object is not obtained merely by the lectures of professors. It is more important to become acquainted with ancient approved works, than with every new opinion of the day. The natural tendency of the professors is to excite in the students a blind, superstitious attachment to half-regulated and half-understood theories, and veneration for the theorists themselves, no less than in the darkest ages. More is given for novelty than for truth; and with each of the innumerable changes, the

\* No. cxxxi, 166.

treasures said to have been accumulated are again dissipated. This state of things in Germany is prejudicial to the students; instead of being scholars, they become critics, and judges of their teachers; and docility, confidence, and respect are lost.

The English universities do not take it for granted that young men, without being in some degree impelled, will learn every thing useful to them; that the mind may be filled with knowledge, like a glass with water; that it is sufficient to place a student on a seat before the professor, without catechising, explaining, impressing, and examining. In like manner, they know in England that the professor can do little more than deliver his lecture, as appears from the most recent enquiries respecting the Scotch universities. The character, nay, the very names of the students, are unknown to the professors, and there are no opportunities for any communication before, or after the lecture. There is no means to arouse to activity and to awaken thought. All this is at the command of those teachers who are intimately acquainted with their scholars, who take an interest in their progress, and see to their general education. The professors cannot compel any student to be present at their lectures, much less to hear them with

attention. Thus the voluntary principle in education is manifestly as absurd as in religion. As the teacher is chosen by the scholar, the former must take care not to offend him ; he must rather flatter than superintend him ; and thus the ignorant is left to himself, and studies, or not, as he pleases. Perhaps he is taken with a predilection for some branch of learning ; but no dependence can be placed on such fancies ; and if the student is to be attracted, it must be through something paradoxical, irregular, or new ; in short, by something that necessarily flatters the bad taste of a yet uninformed mind ; whereas, the teacher, from his higher position, should superintend and regulate. We must not doubt that young men study what pleases them, with more zeal and success under the system of mere professors ; but the real question is, what, though unwillingly, they should learn and not learn ; and how far their intellectual character, though brilliant in one point, is yet behind in general knowledge, and behind the firm, moderate, and mature tone which, taking all in all, includes the true and reasonable perfection for all the practical purposes of life, and is the grand aim and object of all education. We consider formation of character to be the primary and most laudable distinction of the English universities.

A good tutorial system is far better adapted\* to the ends of instruction, than a crowd of professors. The latter may extend the boundaries of science, and collect materials for study; but should be freed in a great measure, if not entirely, from the business of instruction. Those who instruct, must, on the other hand, be limited in the application of new theories; they may prepare the ground, but the former procure new seed.

As a German professor, I ought, perhaps, to discuss, or even contradict this account of the English criticism on the German universities; but I rather remain silent, even at the risk of having it said, "*qui tacet consentire videtur.*" I will only remark, that a comparison of the English and German universities, merely in reference to the mode, the matter, and the amount of teaching and learning, does not comprehend every thing. We must rather consider how extremely different the subsequent scientific and practical public and official life is in England and Germany, and consequently, that to adopt similar, or the same, mode of education in both countries, would be rash and hazardous.

According to a statistical account, there are,

At Oxford†, about 1600 students.

\* I found the lectures excellent, for they did not require any exertion on my part.—Autobiography of a Dissenting Minister, page 2.

† Statistical Journal, No. 38.



At Cambridge . . 1600 students.

„ Dublin . . . . . 800 „

„ Edinburgh . . . 2300 „

„ Glasgow . . . . . 1300 „

„ Aberdeen . . . . 650 „

„ St. Andrews . . 300 „

The number of professors and lecturers,

At Oxford . . . . . 32

„ Cambridge . . . . 49

„ Dublin . . . . . 29

„ Edinburgh . . . . 30

„ Glasgow . . . . . 21

„ Aberdeen . . . . . 28

„ St. Andrews . . . 13

„ Dumfries . . . . . 10

„ Durham . . . . . 9

„ London . . . . . 52

Among these, there are,

Professors of Divinity . . . . . 16

„ Moral Philosophy . . 10

„ Logic . . . . . 6

„ Rhetoric . . . . . 1

„ Greek . . . . . 11

„ German . . . . . 3

„ Music . . . . . 3

„ Ancient History . . . 1

„ Modern History . . . 4

This is a good place to insert some additions to what I said on a former occasion respecting the English newspapers\*. In the year 1836, Mr. Roebuck proposed entirely to take off the stamp on newspapers†, and thereby to remove one of the greatest obstacles to popular education. Mr. Trevor replied, "It is contrary to common sense to affirm that newspapers are a general and proper means of diffusing knowledge among the people;" and Sir Robert Peel remarked, that the newspapers would not become better or more moral in proportion as they become cheaper; however, it is dangerous to decry the press in general, on account of accidental individual abuses.

Mr. Roebuck's motion was rejected; but a law passed on the 13th of August, 1836, containing some new regulations respecting newspapers. By this law nobody may publish a new journal, without giving formal notice to the stamp office. There are detailed enactments respecting the stamp duty, the punishment of offenders, the seizure of unstamped papers, &c. Every sheet pays a duty; a penny, when the page exceeds 2,295 square inches, and a halfpenny when it is of a smaller size.

From September 1835 to September 1836, there were printed and stamped,

\* England, iii, letter 53.

† Hansard, xxxvii, 1162.

	Newspapers.	Stamps.	Duty.
London.....	71	19,241,000	£256,000
English Counties.	194	8,535,000	113,000
Scotland.....	54	2,654,000	35,000
Ireland.....	78	5,144,000	37,000
<b>Total, 397</b>		<b>35,576,000</b>	<b>£443,000</b>
And from September 1836 to September 1837,			
London.....	85	29,172,000	£121,000
English Counties.	237	14,996,000	62,000
Scotland.....	65	4,123,000	17,000
Ireland.....	71	5,203,000	16,000
<b>Total, 458</b>		<b>53,496,000</b>	<b>£217,000*</b>

In July 1840, there were stamped, of the

Examiner.....	27,000
Herald (Glasgow).....	36,000
Courier.....	42,000
Mercury (Leeds).....	45,000
Globe.....	72,000
Morning Post.....	95,000
Morning Herald.....	140,000
Morning Chronicle....	196,000
Northern Star... ..	223,000
Times.....	320,000, &c. &c.

This great increase in the sale must doubtless be ascribed to the reduction of the stamp duty. About 27,000 newspapers were sent in September 1837 to the

\* Reports for 1839, vol. xlv.

Continent, and 23,300 from the Continent to Great Britain.

As it may be asked whether the increase in the number of journals and the reading of them is an indisputable improvement, I will add some statements less liable to criticism, relative to the reading in the British Museum. It was visited, in the year,

1810, by about 2,000 persons.

1830.....31,000 ..

1838.....54,800 ..

The endeavours of Mr. Serjeant Talfourd to obtain greater and longer protection for the literary works of authors\* have hitherto been unsuccessful. He said, "I wish to prevent an unanswerable violation of the natural rights which every one has to the productions of his mind. For what a man produces with his hand or his mind, belongs to him, and him alone."—Mr. Warburton replied, "I do not recognise any such things as natural rights; I recognise only those rights which are founded on convenience and general expediency. If Mr. Talfourd's principle were adopted, such thing as taxes, rent of land, and interest, would not exist. If we look at the plan according to expediency, the interest of the publishers and readers, not merely that of the authors, is to be considered. These relations must be so regulated

\* Hansard, lvi, 148, 345. England, iii, letter 54.

as to dispel apprehensions of monopolies, high prices, voluntary or compulsory suppression of books, &c." "Property," said Mr. Macaulay, "is a creature of the law; and a law which creates property, can be defended only on the ground, that it is advantageous to mankind. Thus, for instance, there is only one natural law of inheritance, but innumerable positive laws. The right of publication is a monopoly; consequently, hurtful; if extended beyond thirty years, it is of no value to the author."

In these discussions, there is much which appears to me to be unconnected and unintelligible. The distinction, or the relation of right and expediency, of natural and positive laws, is neither logically conceived, nor fully illustrated. Setting aside, however, such profound philosophical, or scientific questions, it is hard to conceive why intellectual property, as an injurious monopoly, shall cease at the expiration of thirty years, while every other description of property, with numberless obligations, conditions, divisions, &c. exists in perpetuity. The St. Simonists, in their universal attacks on all inheritance of property, were much more consistent; and a great majority of the public, for whose reading such kind care is taken, would very willingly agree to an eternal right of publication, to the inviolability of intellectual property, on condition that the monopoly upon land

and houses should cease every thirty years. The convenience and expediency of such a measure they would easily prove in a similar manner. The fear of an intellectual monopoly, and of high prices of books, seems very singular, while the prices of all other things are left to the free option of those concerned. It seems almost absurd to affirm that authors or their heirs would sell their works at enormous prices, while, at the same time, it is presumed (on the whole with too much truth) that after thirty years there is no more demand for them ; and it would be in vain to set too high a price on them.

## LETTER XXII.

Church and State.—Livings.—Pluralities.—Chapters.

*London, August 1, 1841.*

THERE have not been wanting frequent opportunities to observe that the freedom of thought and speech has produced in England various doctrines and opinions, respecting almost all temporal concerns ; yet that this war of all against all has on the whole brought about, in the end, conciliatory compromise, and better-secured harmony. One would think that church and religion, founded on a positive revelation, on the contrary, ought always to manifest an invariable conformity. Yet this is less the case in Great Britain, than in any other country. There are thirty-eight sects\*, of which twenty-six have religious edifices, and 12 not. In the United States† of North America, the anarchical divergencies go still further. Many live without any religion, and the slaves are often tyrannically excluded. Some churches and chapels have no clergyman ; in others, they change with the fluctuating views of the people.

\* Report on Births, &c. 1839, vol. xvi, p. 6.

† Lorimer, Religion in the United States.

In Cincinnati, which has 25,000 inhabitants, there are thirteen sects.

The English church, or the English churches, are very peculiarly situated with respect to the state, and reciprocal claims arise, from entire independence, to rigorous submission. The notion that the state (the King and Parliament) has no right to interfere with the regulations and property of the church, nor make any laws respecting them, has been rejected, both in theory and practice, for some centuries, and has found but a few isolated advocates in modern times. The next question, whether anything can be taken from the church in this manner, has been often answered in the affirmative, especially under Henry VIII, and in the 17th century, but is now denied by the Tories, and every proceeding of this nature designated as sacrilege. In general, this appears very simple and praiseworthy; but, in the detail, great difficulties occur, which make it necessary to deviate, in many points, from the strictness of that doctrine; for instance, when, on account of insuperable causes, many per cent. are deducted by law from the full amount of tithes, when distress on the one hand, great wealth on the other, when the rapidly increasing population, &c. render another distribution of the revenues of the church advisable. An equally important question is, whether



the education of the people is a temporal object, and an application of ecclesiastical revenues to promote it unjust? Popular education is certainly no ungodly object; on the contrary, the school and the church may be considered as the two great arms, which are to be equally put in motion for the education of the human race, and must mutually assist each other.

Complaints about pluralities have also been again discussed in Parliament in recent times. On this occasion, it was affirmed\* that there are in England and Wales 10,742 livings; but that, in 4307, the clergyman (for various reasons) was not resident. For the public worship of the Dissenters of all denominations, there were—

In England, in 1812 . . 4302 chapels

„ 1836 . . 8490 ,

2619 clergymen have an income below £100

680 „ „ between 100 & 200

32 „ „ „ 200 & 340, &c.

Six livings brought in an income to one clergyman of only £300. There are eight parishes with less than £10 income; eight with £10; fifteen with £20; sixteen with £30; fifty-nine with £40; ninety-five with £50 income, &c.

\* Hansard, xlii, 906, Reports 1840, vol. xxxix. The number and calculations by no means agree in all the authorities.

Sir Robert Peel observed\*, we ought to enlarge and strengthen the foundations of the church. If we omit to do this, the richly ornamented capital will become too heavy for the shaft. If we take away some ornament, solely for the purpose of enlarging and consolidating the base, religious feeling will spread, and the love of the people to the church increase†. On another occasion, Lord John Russell confessed, that sufficient provision was not made for the religious worship of the people; but that, with the diversity and zeal of the numerous sects, it was extremely difficult for the state to do any thing. All support from the treasury would only inflame the enmity of parties; yet the state has contributed, from 1801 to 1840, for religious objects—

In England .....	£2,753,000
„ Scotland .....	435,000
„ Ireland .....	2,490,000

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Total, £5,678,000

For which churches were built, clergymen assisted, failure of tithes covered, &c.‡

The cathedral establishments§ in particular have been the objects of very serious attacks in recent times. It was said, the opinions and the wants of the times

\* Hansard, liii, 604.

† Hansard, lv, 355.

‡ Reports, 1840, vol. 39.

§ The Church and the Chapters.

are no longer the same, and have led to a necessity for many changes. Of what use now are prebendaries, who for their large revenues do nothing, while the working clergy suffer want? Property granted for public services can continue no longer than the good originally intended from the use of it; and individuals, as well as societies, must give way in time of need to the public advantage. In a report on the state of chapters, changes were proposed, but not to take place till after the extinction of the rights of the present possessors\*. The chapters, however, notwithstanding indisputable defects and abuses, found, in general, eloquent advocates; and the Archbishop of Canterbury† declared that he believed the church would lose more by their dissolution, than the working clergy would gain by having the revenues of the chapters assigned to them.

An article on this subject in the Quarterly Review‡ extols, in so peculiar a manner, the habit of meditation, which in our days is very much neglected, that I cannot refrain from giving the following positions and observations, though unconnected:—You ought, in your reforms, to aim more at improvement of the hearts of men, and trust to them, rather

\* Reports about Cathedral and Collegiate Churches, 1837—1838, vol. xxviii.

† Correspondence with the Bishop of Exeter.

‡ lviii. p. 197.

than to the wax and parchments of the laws. The salvation of this country depends upon its parochial ministers; unless gigantic efforts are made to extend, to strengthen, to increase, it is all over with us as a nation.

Woe to the integrity of the man or the people, who ventures to take delight in pleasing dreams, even of benevolence, which must be realized out of the property of others; do not deprive the chapters of their property, without examination of the question of right; do not expose property to the discretion of every fanciful doctrine of improvements, which the irresponsible legislation of the day may recommend, without considering whether they are honourable or not. Watch, with the greatest zeal, over all resources which in any form whatever are dedicated to future generations. Recognize rights, duties, feelings, and personality, as well in corporate bodies as in individuals. Foundations and incorporations are the palladium of the state. Europe is indebted to these corporations and foundations for all her liberty, knowledge, wealth, and power. The views of the founders were always directed to something definite, local, peculiar; not to general objects. If the former be set aside, there are no limits to generalization, for all sects, all churches, all Christians, all mankind,

for the one final object of general utility. The chapters are no less necessary than the local clergy ; a system of parish priests is not the only instrument which the church requires for her objects.

The present disunion in the church may be ascribed, in a great measure, to the neglect and the decay of the chapters. The misfortune has not arisen from the existence of the chapters, but from their inactive existence, their decay, their departure from their original destination, the promotion of religion and learning.

Personal attachment to the virtues and talents of a clergyman is not sufficient, when veneration for the body which he represents is wanting. An opinion has little weight and power when it does not proceed from a corporation. May our church steer firmly and safely between papal slavery on the one hand, and lawless puritanism on the other.

These principles and considerations will be very generally acceded to ; and the preservation of the chapters be advocated, in the hope that they will fulfil their destination better than of late years, and that provision will be made in some other manner for the religious wants of a population\*, which has

\* According to a letter of the Bishop of London, there were only 140,000 seats in the churches for 1,380,000 inhabitants, and to 14,000 persons only one clergyman.

increased by millions. It is neither poverty nor covetousness, neither indifference nor ill-will, that stand in the way of these infinitely important objects ; but principally the above-mentioned inclination to separation and dissent.

## LETTER XXIII.

**Tithes—Church-Rates—Various Proposals on the Subject—Parliamentary Report and Proceedings.**

*London, August 2, 1841.*

THE tendency to separation and dissent is in exact proportion to the tendency of the Established Church to govern. The one presupposes the other and brings it forth. The highest problem would be to recognize and to tolerate peculiarities of opinion, and yet so to restrict them from too wide deviations, as not to dissolve the more general, more comprehensive community. However, there may, perhaps, be a better opportunity for such general remarks. Much dispute was caused by the assertion of the Established Church, that she alone was authorized to solemnize valid marriages. Sir Robert Peel wrote on this subject to the Bishop of Exeter\*. The best principle, in respect to the marriages of Dissenters, appears to me to be, make the civil contract (or rather the recognition of the contract before a civil authority) an indispensable condition ; recommend, but do not compel

\* Correspondence of the Lord Bishop of Exeter.

religious ceremonies—leave this point to the good sense and feeling of the parties.

The New Laws of the 17th August 1836, and the 30th June 1837, enact: the newly appointed officer, the registrar, receives the necessary notices of persons intending to marry, takes care that they shall be duly published, and at the expiration of twenty-one days (if no objection is offered) gives licence for the marriage. After this, the marriage is permitted in every place destined and licensed for divine worship, in presence of a registrar and two witnesses. The registrar keeps the books and lists in the form prescribed. The expenses amount to five shillings. Births and deaths are registered in a similar manner, and the result collected by the General Registrar Office.

On the 13th August 1836, and 4th June 1840, laws were passed on the Commutation and Abolition of Tithes, in England and Wales\*, from which I extract the following particulars:—Three commissioners, of whom the ministers appoint two, and the Archbishop of Canterbury one, direct the whole, and nominate the necessary inferior officers, clerks, &c. The expenses are borne by the State, as soon as two-thirds of the inhabitants of a place, or rather, as many as pay two-thirds of the tithes, agree on a

\* England in 1835, vol. i. letter xli.



certain sum to be paid: this resolution is obligatory on all. The amount of the shares is estimated as in the poor-rates. Should any differences ensue, the parties interested name arbitrators. The assent of the patrons, of the bishop, and of the commissioner, is required for a final resolution; the indemnity may be given in land or in rents. The average produce of seven years is taken as a basis of the calculations.

With respect, therefore, to two important subjects, the marriages of the Dissenters and the tithes, a satisfactory solution has been attained, or is in a fair way of being so. On the other hand, all attempts have failed to reconcile the demands of the Established Church and the Dissenters, with respect to church-rates. The former affirms that everybody, without exception, is bound to contribute to the building and repair of the churches. The latter deny the obligation, and designate such a demand as unjust. As the dispute grew more and more animated, and resistance more general, the Government was at length obliged to take notice of it. In the year 1837, Mr. Spring Rice \*, at that time Chancellor of the Exchequer, submitted to the House of Commons a plan for the abolition of Church-Rates.

\* Hansard, xxxvi, 1210, 1277; xxxvii, 6, 149, 405; xxxviii, 932; xlii, 820, 860; xlv, 869; xlix, 998, &c.

The following are the most important facts and arguments produced, and maintained by both parties.

The question, said Mr. Spring Rice (now Lord Monteagle), is now come to such a point, that it can no longer remain undecided. Disputes and acts of violence arise, even in the churches; and there are no definite principles respecting the imposition and levying a church-rate by the parish itself, or by any other authority. There are no legal means to enforce such a levy, or to obtain the amount of the rates from those who refuse payment. In this state of things, which is very prejudicial to the church and religion, several plans were proposed to remedy the evil.

Firstly.—That all church-rates should be abolished, and the discretion of every individual be left to decide whether, and how much, he would or would not do and pay for church and religious purposes. But this voluntary system, as it is called, never attains the desired object, in the Church or in the State, with respect to the army, revenue, expenditure, &c.

Secondly.—That church-rates should be levied only upon those, who, by their creed, belonged to the Established Church. But, how is this to be ascertained and proved? By examinations, oaths? Shall compulsion be used, or every refusal received as sufficient?

Thirdly.—That the clergy alone should be taxed for this purpose. This, however, is contrary to the Constitution, and the more unsuitable plan, inasmuch as the average income of an English clergyman does not amount to more than £284, and would be increased, by the abolition of all bishops and chapters, to no more than about £300.

Fourthly.—That the necessary amount should be raised by letting the pews or seats. Such a tax, however, would exclude the poor, and never suffice to meet the expenses.

Fifthly.—That the expenses should be defrayed out of the public Treasury; but then, in consequence of a general tax, 5000 English parishes, which now pay no church-rate, the Scotch and the Roman Catholic Church, would have to contribute indirectly, and the evil now complained of by the Dissenters would only return in another form.

All these proposals being inadequate, only one satisfactory course remains; namely, to obtain the necessary sums by a different and better management of the church lands. The archbishops, bishops, deans, and chapters, have, hitherto, not effectively directed the letting and management of the estates; on which account this business must be confided to a new commission, consisting of clergymen and laymen, and the property of the church be managed in

the same manner as the crown lands. In this manner, such a surplus may be obtained, without injury to any person interested, that all church-rates may be abolished.

A Parliamentary Report shews\*, that church-lands have been usually let, for nearly three centuries, on leases of twenty-one years; but, with respect to cultivation, value, and produce, are far below the lands of all landowners; because the latter employ more labour and capital upon them than the farmers of church-lands.

Another custom, which is inconvenient and prejudicial to landlord and tenant, is the payment of fines, which are demanded, after certain intervals, for prolonging the leases, generally for seven years. Much has been said of the abolition of these fines, and of converting the lease into an annual rent, either fixed, or changeable, according to the prices of corn; but no general plan has yet been carried into effect.

I now return to the Ministerial proposal; it agrees in its basis, say its defenders, with justice and equity; relieves the bishops from a management incompatible with their office, does away with the abuses of the present system of letting, leads to better cultivation, and an increase of the riches of the

\* Reports on Church Leases, vol. viii. 1839.

people. It is not the Dissenters alone who oppose church-rates, but all confess that the English church is placed by them in a lamentable situation with respect to the people. Formerly, the duty of maintaining the churches was incumbent on every one belonging to the parish; in the sequel, only the landowners were bound to it; but now there is no legal means of compelling a parish, by the civil authority, to levy church-rates; and the Ecclesiastical Courts have no possible means of punishing and alarming, since excommunication and interdict have lost their power.

Parliament has, in numberless instances, disposed of church property; but on this occasion, the question was not to reduce, but increase the revenue. As soon as the church is found to be rich enough to accomplish all its objects, with its own resources, it would be unjust and foolish to tax others for that purpose; or to reject just demands, under the pretext that granting them would encourage inequitable claims.

Let us now hear the arguments of the adversaries of the above proposal. It is the duty, said they, of every nation to support its churches; and this duty is acknowledged in England by the far greater majority, and even by the Dissenters themselves. If the latter, in their acquisition of landed property, take

into account the amount of the church-rate, there is no reason to excuse them from the payment of it; and it seems still more absurd to make such a present to nine-tenths of all the people, who belong to this Established Church. Resistance to an existing law is no reason for abolishing it; and a small minority has no right to resist the great majority. The complaint is, besides, not of the amount of the tax, which is, in fact, trifling; but it is wished to establish the principle, that the state must separate itself entirely from the church and religion, and treat all denominations alike. The assertion, that conscience forbids the payment of church-rates, is a vain pretext. The law is sufficient to put aside such doubt; otherwise other sectarians might refuse, on similar grounds, all taxes, military service, &c.

Church-rates are the property of the church, which cannot, in any manner, be taken from it. If, by a better management of the church-lands, increased revenues can be obtained, these also are the property of the church, and to be employed for the objects of the Established Church (for instance, augmenting the small incomes of many of the parochial clergy, or the building new churches); but they are not to be given away.

The letting of the lands, and receiving fines, cost no time, and do not at all interrupt the clergy in their functions. The Parliament too has no more right

to interfere in these affairs, because they appear to it to be ill-managed, than it has to regulate the affairs of any other landowners and tenants. Whatever difference there may be between church property and private property, it does not go so far that the one may be spoiled, while the other must be protected. If the church is deprived of the management of its estates, it loses the character of independence and solidity; and it would be contrary to the nature of the British constitution for the bishops to sit in the upper House merely as annuitants.

From the establishment and preservation of the English Church, the Dissenters themselves derive many advantages; such as the promotion of order, of good morals, &c.; and it would be better for them to rejoin the former, than to split into numberless fluctuating opinions \* and refuse church-rates, while they often build chapels for the purpose of gaining money, in the same manner as theatres and ball-rooms

For these and similar reasons, the ministerial proposal was rejected in the House of Commons by a majority of 273 to 250, which, however, did not remove the ground of the complaints, nor put an end to the literary warfare on the subject†. A motion to

\* Quarterly Review, lvii, 365.

† Campbell's Letter to Lord Stanley on the Law of Church-rates. Bricknell, the Grievances of Church-rates. Wilkins' Letter on Church-rates. Ogly's Letter on Church-rates. Perceval, the Origin of Church-rates. Letter of the Bishop of London about the additional Churches. Edinb. Review, lxx, 2, 178.

levy a new tax on seats in the churches, brought forward in May 1840, in the House of Commons, was also thrown out. It was objected that it would be uncertain and insufficient, would deprive the poor of free access to the churches, or fall only on those who are inclined to attend them.

When I impartially consider the arguments adduced for and against church-rates, I cannot entirely agree with either of the two leading parties; but I have still some doubts and objections.

Granting, for instance, that the ministerial proposal was objectionable, this mere negative did not remedy the uncertainty, and the insufficiency of the existing laws and regulations. While some deny that any parish has a right to levy general church-rates, others declare it to be a sacred duty. Some again say, no parish can be compelled to do this; but if it has granted a rate by a majority of votes, it may and ought to be levied by compulsory means. Experience, however, has shewn, that compulsion gives very great offence\*, and cannot be carried into execution against many obstinate persons. On this account, there is an aversion against the enactment of new and positive laws.

It has been justly said, if the church-rate is a

\* Hansard, xlix, 998; lii, 102.



real tax, imposed on the soil, which the purchaser has taken into account, there is no ground whatever, in law or conscience, to make a present of it to anybody, still less to the Dissenters alone. Besides this, the latter, partial favour, would only induce all selfish persons to fall off from the church. But the Dissenters object, that they are now obliged to pay once for the Established Church, and once for their own, so that the ancient real charge is doubled in their case.

How far the state may interfere in this case, and how far the church must remain independent, cannot be decided in the general sense, and for all ages and nations. 'Thus, in the several preceding cases, different answers were made to the questions, whether a surplus revenue really could be obtained, and whether the church was rich enough to do without it, for the attainment of its objects. Lord John Russell stated its clear annual income as follows\* :—

1. Archbishopricks and Bishopricks. . . .	160,292
(on an average £5936)	
2. Cathedrals and collegiate churches . .	208,289
3. Special revenues of some individual members of these churches. . . .	66,465
4. Benefices with or without cure of souls	3,004,721
	<hr/>
'Total,	£3,439,767

\* Hansard, xlii, 820.

The church, as well as the state, must be able to impose, and remit payments on sufficient grounds ; and it is the duty of every Christian people to provide for its churches and clergy, by foundations or payments. The superintendence and control of the revenues of the state is more strict and careful in England, than that of the revenues of the church ; and the laity very naturally bring forward certain claims, in opposition to the clergy.

If, however, the laity is divided into numerous sects, each of which claims for itself absolute independence and equal rights, not only does spiritual freedom degenerate into anarchy, but the splendid churches will fall into decay, which were erected at a time when conscience prescribed, not to set private opinion above the universally recognized doctrine.

There are, doubtless, as many varieties of religious conviction in Germany as in England ; but they are, for the most part, inwardly and spiritually developed, without leading to external separation and division. Freedom of conscience suffices ; poverty too, or a regulating influence of the government and laws, stands in the way. In England, on the contrary, the very smallest minority aims likewise at external separation ; each wishing to have its distinct churches, chapels, clergy, revenues, &c. &c. ; and from this tendency and pretension the

dispute respecting church-rates arises. 'The German mode is a protection against this and many other evils ; but, in England, it is designated as condemnable indecision and lukewarmness. The proposal would be equally disapproved, to put an end to that offensive strife, by the several sects agreeing to use the same churches, and to contribute equally to their support.

## LETTER XXIV.

The Scotch Church.

*London, August 23, 1841.*

A MORE important and more dangerous dispute than that about church-rates in England, has broken out in Scotland, chiefly on the right of patronage ; and has not only divided the Presbyterian church, but has led to an open rupture between the church and the state.

In order to understand the subject, the best way will be to state, with all possible brevity, the facts and the course of the matter, and then to give the arguments by which each party endeavours to justify its proceedings.

At the very commencement of the Scotch reformation, the public voice already declared against the right of patronage, and complaints were made of it in the book of discipline. After the overthrow of the royal power, and the execution of Charles I, it was wholly abolished, in the year 1649 ; and the election of the clergy, on a popular basis, was sub-

stituted for it. After the restoration of Charles II, the Scotch church suffered many persecutions ; and, in 1669, the unconditional supremacy of the king in the affairs of the church was declared, and the right of patronage restored. On the expulsion of James II, King William III was inclined to maintain it ; but, the general voice being decidedly expressed against it, a law was passed in July, 1690, of the following tenor :—In case of the vacancy of a parish, the heritors and elders are to nominate a person, and propose him to the whole congregation, which may either accept or reject him. If they reject him, they must state their reasons, in order that the clergy of the district may examine them, and, according to their judgment and decision, the call and introduction of a clergyman is ordered and carried into effect.

On the union of England and Scotland in 1706, the religious institutions of that country were confirmed and guaranteed ; but, in 1711, the united Parliament of Great Britain passed a new law, re-establishing the right of patronage ; because, said one party, it was wished to favour the principal partizans of the state ; but, as the other said, because the arrangement of 1690 had turned out ill, and led to violent disputes.

From the year 1711 to 1834 the laws remained

unchanged ; but in that year the minority, which had gradually become the majority, resolved, in the general assembly of the clergy, that the parish had the right to reject any candidate proposed by the patron, without assigning any reason for so doing. The patrons affirmed that this innovation, this unconditional veto, infringed, nay, annihilated their rights ; and the civil tribunal decided in their favour. Hereupon, while the assembly deposed those ministers who obeyed the decision of the court, the latter ordered them to be reinstated ; and the House of Lords, before which the matter came by appeal, confirmed the opinion and the decision of the civil tribunal.

Proposals for new laws met with no approbation from either of the excited parties ; and the general assembly, or its committee, has not only again confirmed the deposition, but even extended it to those who approved the conduct of those ministers, or took part in it. Thus, with the most violent dissension in the church itself, there is open war between the church and state.

Where there are parties, there is never a want of party names ; and thus the defenders of the old rights of patronage are called Intrusionists, and their opponents Non-intrusionists. The numerous publications that have appeared on the subject, mostly

embrace one of the two sides ; and but few endeavour to discover a middle course, which, with the present excitement, finds favour with neither. But even the writers of one party, as well as the other, are so peculiar, and different from each other, that it is scarcely possible to give a general, I would say, an average, statement of their views. It will, therefore, be better perhaps to extract, at least, from some of these publications, the most important and most characteristic points.

All patronage, says Mr. Buchan\*, is an infringement of the rights of the people, and has gradually become more and more strict, and been enforced with less and less regard to those rights. According to the laws of the Scotch church, a clergyman is not to be forced upon any parish ; and the church has an inviolable right to the internal regulation of all spiritual affairs. By virtue of this right, the assembly, in the year 1834, passed the veto law, by which the majority of the male heads of families in a parish may absolutely reject the candidate proposed to them. The civil tribunals and the House of Lords can interfere and judge only in temporal, not in spiritual matters. The decision of that House, as well as the speeches of the Lord Chancellor and Lord Brougham, who would limit

\* Historical Sketch of the Ecclesiastical Establishments in Scotland.

the right of examination and decision in the ecclesiastical tribunal to the ability and morals of the proposed candidate, are contrary to the views of all parties in Scotland, give to the civil tribunals in Scotland greater rights than they possess in England, and manifestly aim at the overthrow of the Presbyterian church.

The church, on her part, acknowledges her dependence on the state, with regard to civil rights; so that a convention between both exists, by which the church receives from the state the benefit of protection and endowment; but, on the other hand, undertakes moral and religious instruction, as well as the promotion of order, and of the temporal and spiritual welfare of the people. If the state should withhold the endowment, the contract between it and the church would be dissolved, and the voluntary system, as it is called, introduced.

The right of patronage, which, in the course of the 18th century, was exercised with less and less discretion, introduced ministers of a lukewarm disposition, without piety and ardent zeal. No prescription can be a reason for maintaining a bad system; patronage, too, is not a mere right of property, with which the patron may do as he pleases; it is rather a sacred trust and an important duty.



If the present mode of proceeding is founded on laws, they must be changed ; without the veto law, the pulpits would soon be filled by tools for political party purposes. It has worked well ; and only ten nominations of 160 to 170 have been contested.

The good sense of the people, says Dr. Chalmers\*, gives with the veto a sufficient guarantee for the correctness of the conviction, *bona fide*, which is different from a *bona ratione*. A statement of reasons cannot be required from the members of a congregation, of which they would probably be incapable ; and still less a logical defence and justification of these reasons, which would be utterly beyond them.

The Bible, says Mr. Ritchie†, shews that the course of the Non-intrusionists is the most unobjectionable and correct ; it condemns every lay patron, who, against the will of a parish, sacrilegiously attempts to force a minister upon them. The choice of Barnabas and Matthew shews that the election and confirmation of its ministers are in the people.

Many assemblies in Scotland demanded the total abolition of the right of patronage‡, and called the resolutions of the House of Lords, on this subject, unholy, unjust, and unchristian : no civil tribunal, said they, can

\* Chalmers on the Present Position of the Church of Scotland.

† Ritchie, Letter on the Non-intrusion Question.

‡ Hansard, lvi, 1338 ; lvii, 68.

decide on the limits of ecclesiastical right\*; none may interfere in questions on the spiritual relations between the congregations and their ministers; and this less in the Scotch church than in any other, because she especially requires and presupposes the most perfect union between the congregation and the minister. The bare will of the members of the congregation of itself, without any reasons, must lead to the decision of the ecclesiastical court, without, however, thereby destroying all control in the several cases (?).

In every congregation, says Mr. Colquhoun†, the minister and some elders form the kirk session; the latter are for the most part chosen by the other members of this court. The second superior courts, or the Presbyteries, consist of the ministers and one elder from every congregation of the district, consisting of several contiguous parishes. There are, in Scotland, 82 such Presbyteries. From the kirk session there is an appeal to the Presbyteries; from them to one of the 16 synods; and, lastly, to the general assembly. The general assembly consists of a certain number of ministers and elders, as delegates from all the rest; besides six delegates for the Universities, and two for the Presbyterian churches

\* Moncrief, Letter to Lord Melbourne, on the appointment of Ministers in the Church of Scotland.

† Colquhoun, Hints on the Question now affecting the Church of Scotland.

in India. The total number is now composed of 238 ministers and 175 elders. A resolution, or judgment of the assembly is, therefore, not a resolution or judgment of the ministers only, but of the church and the people. It has both legislative and judicial power. Every motion made in the assembly is referred, in the first instance, to a committee, and cannot become a law till the following year, after the Presbyteries have examined the matter, and the majority has decided in its favour. The veto law was an innovation, in order to give the people an unrestricted, decisive, and conclusive authority, which the church cannot overthrow, but by which it is bound. The decision is transferred to a small portion of the church, without allowing any examination to the superior and more extensive portions and authorities. It is not enough to examine three things—the intellectual acquirements, the life, and the doctrine of a minister; but, fourthly, his fitness for a certain congregation, which should in preference decide on this point; because congeniality between it and the minister proposed, is absolutely necessary in the Scotch church; and a candidate ought, therefore, to be rejected, when such congeniality is wanting. The law of 1711, which set aside the people, has done great mischief, and led to the subsequent dissensions.

Let us now hear some arguments of the other party. "Never," says Mr. Hope, "did the people possess a right to reject a duly qualified minister, proposed by the legal patron, without assigning any reasons. Neither has the Church ever possessed or exercised the right to confer such privileges. It has violated and overturned existing rights, expressly protected by the law; in spite of this certainty, the assembly perseveres in its resolutions, complains of ignorance, precipitation, and disregard of the dearest principles of the Church. The Scotch clergy make this noise chiefly to acquire popularity and more extensive influence; to which the numerous, easily excitable, popular assemblies must likewise lean. In the Gospel there is nothing of the veto, and the election of ministers is not given to the people by a divine law. Notwithstanding all the censures on Romanism, the Scotch Church speaks in a similar manner. Our Lord Jesus Christ, as King and Head of the Church, has given the keys to us, independently of every civil authority and confirmation. All spiritual authority, with respect to doctrine, to the constitution, and discipline of the church, comes from Jesus Christ alone, and belongs to the church alone; intimately, essentially, and inalienably, by virtue of the immediate receipt of it from his own hand.

The most moderate and excellent persons are led to serious errors and intolerant views, as soon as they convert questions of Church discipline into questions of religious belief. If religious sanction and Biblical confirmation are required, not merely for the leading principles of the several religious systems, but also for the inferior details, the necessary consequence is, extreme intolerance towards all deviations of the several creeds. No person acquainted with ecclesiastical history can doubt that the worst kind of ecclesiastical tyranny arises from these doctrines carried to extremes. The pretensions of the clergy to unlimited power, over every thing which they please to call spiritual or ecclesiastical, open a way to the most mischievous restrictions of human freedom. By these declamations on the right of the Church of Christ, the prejudices, the weaknesses, or the errors of mankind are flattered, and spiritual pride (so rich a source of practical evil, a poison so destructive of the popular character, so injurious to true religion) is offered and encouraged by those whose duty it would be to suppress this very pride. The clergy would decide alone what rights belong to them. All the rights of the state, and of every other religious party, disappear before this supreme power.

This tendency and disposition of the assembly

has arisen chiefly from its having extended the right of sitting, in the lower and superior ecclesiastical courts, from the parish priests to the clergymen who officiate in newly-erected chapels. These young zealots are envious of the rights of patronage, and take advantage of democratic movements, in order to advance themselves. The number of members of the assembly has increased, since 1832, from three hundred and fifty to about four hundred.

Even Dr. Chalmers, a chief mover and advocate of the veto law, cannot dissemble the bad effects of it, and would now be glad to introduce some limitations ; for instance, that the right of voting should be lost, if any one voted from secondary motives ; and, in fact, it is absurd that the hearers of the word should decide on their teachers, by which the respect due to him, and their docility, are weakened.

Every popular election has great difficulties\*. Who shall elect ; the landowners, the heads of families, the adult males, the communicants, all the members of the congregations, the true believers ? If the patrons have given away a part of their income for the right to present clergymen, how can one party venture to destroy that right ; or, instead of a wise division, and mixed constitution†, to deliver every

\* Essay on Church Patronage.

† Neale's Lectures on the Church of England.

thing exclusively into the hands of the people. How can the synod of 1638 be so honourably mentioned on this occasion, which prohibited speaking and writing against its views and resolutions, paved the way for the rebellion, and the murder of the king\*, and cursed all toleration.

Only the populace and the arrogant clergy vote for the veto†, and abuse their opponents as uncircumcised Philistines, children of Belial, &c. By the veto law the best clergyman is often the most easily rejected, or converted into a machine, who must preach according to the fancy of his hearers.

The conduct of the majority of the Scottish clergy, says the Quarterly Review‡, is inconsistent with the existence of an established Church; nay, it overturns every constitution. They require an entire independence of the law, in respect to every thing which they themselves are inclined to call spiritual. They will not obey the laws of the country, and yet retain the temporal goods, which they enjoy solely by virtue of the laws which they attack. Till the introduction of the veto law, the patron proposed the clergyman; every member of the congregation had

\* Review of certain recent Proceedings of the Scotch Kirk; Carlisle. Letter to the Marquis of Normanby. James Smith's Letter on the Church of Scotland.

† Frazer's Magazine, No. cxxxiii, cxxxvii.

‡ Quarterly Review, cxxxiii, 203.

a right to oppose his appointment, stating his reasons, on the weight and admissibility of which the ecclesiastical courts decided. The most conflicting arguments have been adduced in favour of the innovation of 1834 ; such as, the express directions of the Bible ; a return to the ancient usages of the Church ; the right of the Church to make new laws of this kind, or alleged utility. In truth, the veto is contrary to the existing laws, and to the powers of the assembly ; leads to disputes with the civil tribunals, and to the loss of all temporal revenues. The Apostolic Age knew nothing of popular elections and of unconditional rejections by the members of the congregation. Popular elections and the veto inevitably lead to selfishness, ignorance, prejudice, party spirit, spiritual pride, intrigues, and false representations. The best candidate must be averse from exposing himself to be rejected, without any reason assigned ; whereas the less qualified candidate sets in motion, and makes use of, a trivial eloquence, an artificial enthusiasm, and an indulgence to weaknesses. The new law has, indeed, already worked ill, led to acts of violence and indecorum (even among the clergy), and induced the people to vote against persons whom they themselves previously recommended in writing.

Against these and other similar arguments, Mr.



Hamilton\* came forward. Undeserved and intemperate accusations, he said, have greatly inflamed people's minds; too ardent opponents, in their present temper, see nothing in and about the Church, but an injurious, poisonous spirit, which must by every means be rooted out and destroyed. As the Church cannot change her fixed and unalterable principles, the change must be made on the other side; but care must be taken, at the same time, that no wrong is done to the patrons. The question is Scotch, and must be examined and decided as such.

As soon as one or several persons of the congregation produce important objections, this leads to a process, which is to be determined by a sentence; but the opinion or consent of the whole congregation is, in such case, not asked, and disregarded, and yet the general objection, without statement of reasons, is something very different from that mode of proceeding. It is a general rule of the Scotch Church, that no patron, whoever he may be, can force a clergyman on a parish; and as the Scotch are more religious and better informed than perhaps any people in the world, there is no danger in this regulation; and should abuses occur, they may be easily remedied. The English institutions cannot be compared with the

\* John Hamilton. Remonstrance in relation to the Scottish Church Question.

Scotch ; for this reason, that here the reformation proceeded from the people, and granted them much greater rights ; the very first regulations on church discipline in 1580 gave them the right to consent to the appointment of ministers, according to the example of early centuries.

The law of 1649 gives the right of proposing to the lay elders. When the majority of the congregation objects, the admission of the proposed candidate cannot take place. If it assents, the minority must submit, or produce special and satisfactory reasons. The establishment of the right of patronage in 1711 was a rash, impolitic, and perfidious measure, which must be revoked. The rule, however, remained, for many years together, a dead letter, till the majority of the Scotch clergy themselves began to favour the candidates, in contradiction to the fundamental institutions of the Church, to disregard the will of the congregation, and to reduce the call to a mere formality. At the same time, zeal became cool and discipline relaxed ; and this evil was called moderation, and this false moderation\* is looked upon as philosophical and venerable. But now the zealous minority has become a majority, and is justly deter-

\* Sir Robert Peel, on the other hand, complained strongly of the change which had taken place with respect to the spirit and character of the Scotch clergy.

mined to bring back every thing to the purity and strictness of the first institutions of the Church, without waiting for an English, temporal, political decision\* ; and the more so, because the government of the country remains wholly passive and indifferent. Since the Church has declared her views, she cannot recede ; but should she now be forsaken, given up to the arbitrary will of her own excited and mortified minority, that she should be abused, ridiculed, tormented, torn in pieces and trodden under foot, by the enemies whom she has just conquered, but would then become insolent,—this would be the most cruel, the most unjust, unmerited, ungenerous treatment that any society on earth ever met with.

The civil court could only approve the withholding of the temporal revenues, but not decide anything respecting the admission or rejection of ministers ; those ministers who do not obey the commands of the Assembly, have, therefore, been justly deposed by the Spiritual Authority.

To this it was answered, nobody has any where,

\* The English Church likewise calls on the members of the congregation, in the name of God, to express and to prove well-founded objections to a minister proposed to them. In the English Church, every minister proposed by the patron is, in general, declared qualified, by examination or ordination, for any parish. In Scotland, the ordination of the person proposed does not take place till afterwards, for the particular parish.—Macneile's Lectures on the Church of England.

or in any manner, infringed on the rights of the church\* ; it has been in all cases the aggressor, violating the laws of the country, and established usage, despising the decision of the courts of justice, and even the House of Lords. It is not the people, but the clergy, that have produced all these consequences ; they care little about the participation and influence of the parishes ; they hope, on the contrary, when the right of patronage is set aside, to have the sole direction of them. If, on the other hand, the unconditional veto is to destroy the influence of the clergy, because it is injurious, the whole church is in a deplorable condition, and the Dissenters obtain a confirmation of all their objections. If the choice of the members of the congregation is to decide alone and unconditionally, they must be allowed to accept a person who does not even belong to the Presbyterian church, or to dismiss a minister, who has been approved, but afterwards found to be unfit. When a smith refused to sign a petition for the veto, his minister said to him, do you not wish to have the right to give your vote in the choice of your minister ? I would rather like, said the smith, looking intently at the speaker, to have a right to dismiss him.

The civil court has not interfered in spiritual matters, but merely affirmed that every congrega-

\* Practical Remarks on the Scotch Church Question.

tion must, for the future, as has been the case for more than a hundred years, state reasons for rejection. The Ecclesiastical Court decides on them ; and if they are found untenable, admit the candidate ; but it cannot by any means depose men for having obeyed the laws of the country. The new regulations laid down by the clergy, infringe on the rights of others, are given in an unconstitutional manner, and are most unjustly and arbitrarily applied. The state cannot and will not submit to such unheard-of spiritual tyranny, and none of the great political parties can promote or tolerate it, without submitting to absolute slavery.

Great interest was manifested for the deposed ministers, at a numerous meeting held in May 1841, at which Lord Dunfermline (formerly Mr. Abercrombie, the speaker) presided ; he too affirmed that the church was the aggressor, and had violated the laws of the constitution, by which it had been received and confirmed ; that it had not a right to decide alone what was an ecclesiastical concern, and to proscribe men who believed obedience to the laws of the country to be a duty, and obedience to arbitrary innovations to be wrong. What a state of things ! the Assembly expels their ministers, and appoints others ; the civil tribunal, on the other hand, forbids the deposition of the former, and the induction of the latter ; instead of seven minis-

ters, there are fourteen, opposed to each other ; one half of whom are deprived of spiritual protection ; the other half, of temporal protection, and of their income. The church annihilates the spiritual rights of the first ; the civil tribunal does not confer these rights, but maintains those in possession who have not forfeited them by obedience to the laws. It is by no means meant to hinder the preaching of the Gospel ; only it shall not be done by those who are not entitled, to the prejudice of those who are.

When these matters were at length mentioned in Parliament, Lord Melbourne declared that the laws were not to be altered, but those already existing to be applied ; but that either the change or the application would encounter the greatest difficulties, on account of the prevailing excitement, and the late numerous depositions of the opposing ministers ; and yet it is impossible to suffer this war and this anarchy to continue.

When even the government of the country considers the Scotch affair as a *noli me tangere*, and when every judgment and every measure is undoubtedly exposed to violent censure, it would, perhaps, be the wisest and most prudent in me, to be contented with this attempt at an historical representation ; yet I am not willing, least of all from cowardice, to withhold some observations which occur to me.

Firstly.—The question is certainly a Scotch one, and cannot be decided according to the views and principles of other countries.

Secondly.—Laws and customs are capable of improvement ; and abuses (consequently, the abuses of the right of patronage) are not consecrated for ever by the lapse of time.

Thirdly.—Every church has its own invaluable rights, which the state cannot abolish, without prejudice both to the church and to itself.

On the other hand, the church, in its relation to the state, to patrons and to the laity, may not decide alone and partially, merely according to its pleasure, and abolish or infringe existing rights. By an obstinate application of an absolute veto, the right of patronage is certainly indirectly destroyed, and those who declare for its abolition are more sincere and consistent. The idea of renouncing all temporal revenues for the abolition of the right of patronage, is a passionate, impracticable, impious notion ; as Pope Paschal II experienced in a manner perfectly similar, in his dispute with the Emperor Henry V. The church cannot do without such endowment, and ought not to renounce it.

I cannot join in the violent censure of the Scotch clergy of the last century ; and their moderation appears to me far less dangerous and unchristian, than

the excessive zeal\*, and the lust of power, which, in these latter times, again manifests itself in almost all the Christian churches. I must be content to be blamed for want of sense, and for lukewarmness, if I affirm that the former distribution of rights and duties between the patron, the congregation, and the clergy, that this mixed constitution appears to me far preferable to an absolute veto, which gives all rights to the congregation, and destroys those of the other two parties ; or smuggles them in again, in an objectionable manner. If the just claims of the congregation had been of late unduly neglected, they might have been restored to their ancient legal claims, without giving the institution a wholly different direction and form by the veto. Unless other important views and objects are in the back-ground, the dispute turns on the assigning or not assigning of reasons ; and if I may not say that this is much ado about nothing, yet certainly too much ado has been made about a trifle, and a deplorable spiritual war has been excited. The assertion, which it is alleged removes all evils and solves all doubts, viz. that the church has a right of absolute decision, and that it has exercised this right, has no meaning whatever in the present relations and dispositions. Thus, for instance, the clergy in Aberdeen,

\* The Annual Register for 1839, Chronicle 161, speaks of the fanatic zeal of certain Scotch Revivals.



when the committee of the Assembly called upon them to teach and to defend from the pulpit the principles that had been set up, of the infallibility of the church, and the measures which had been adopted, declared that all this had no connexion with true Christianity, that it was a violation of their duties, a scandal in the church, and corruption, and an abuse of divine service, of church discipline, and of religion itself.

The worst of all is, if, in disputes of this kind, the opinions of some, at once inconsiderate and violent, are given out as absolute Divine commands, and the opposite opinions of others designated as sinful and devilish; very often the second party (with equal injustice) returns these reproaches; and obstinacy, eternal animosity, is esteemed as the highest Christian duty; and Christian charity, on the other hand, as wretched weakness and damnable treachery. In this manner, many nations, especially Germany, in the thirty years' war, have ruined themselves. May the Scotch, taught by their own experience and that of others, soon return to moderation, and, as Christian brethren, hold out to each other the hand of reconciliation.

END OF VOL. I.

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